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EIGHT ORATIONS  
OF LYSIAS

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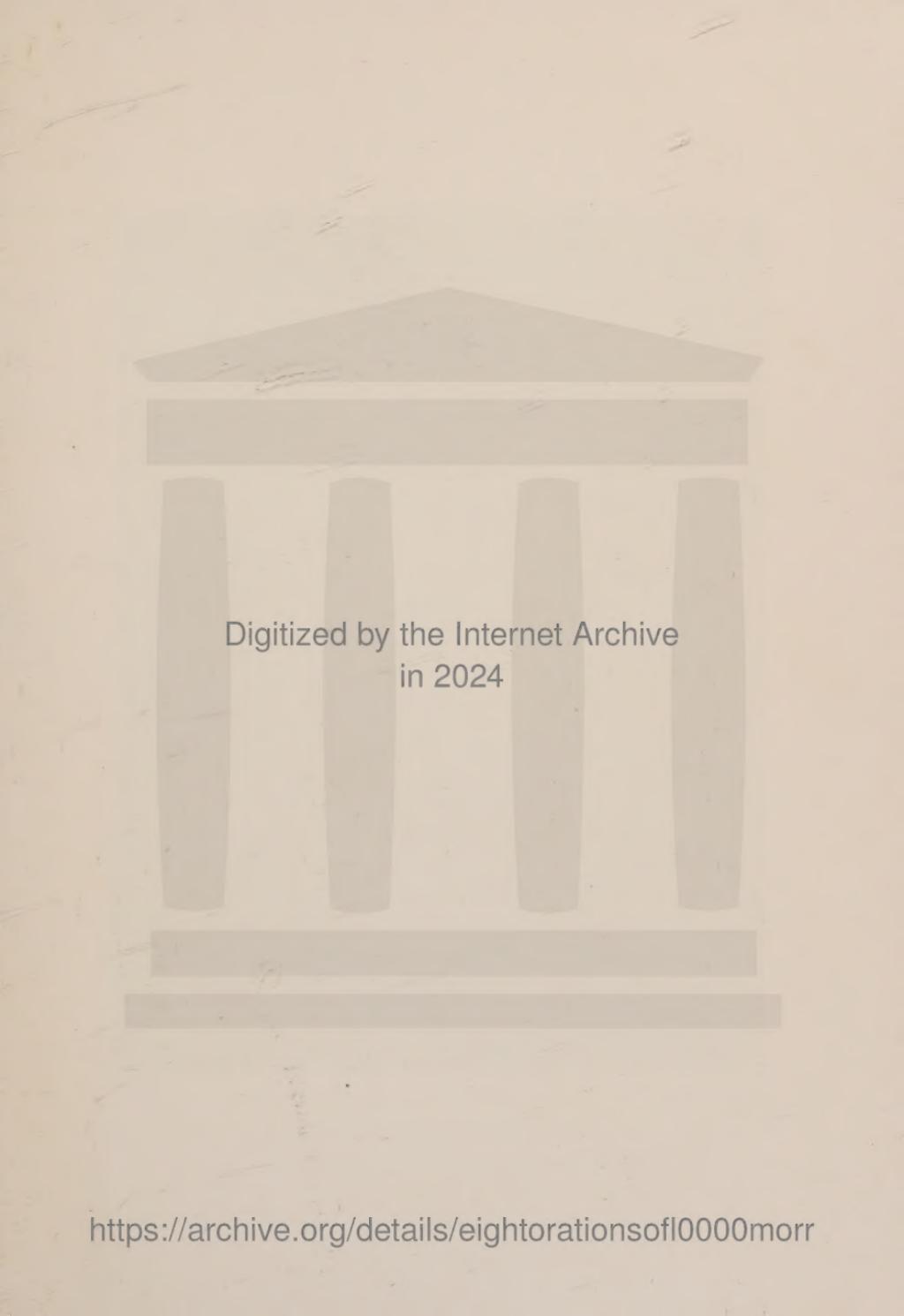
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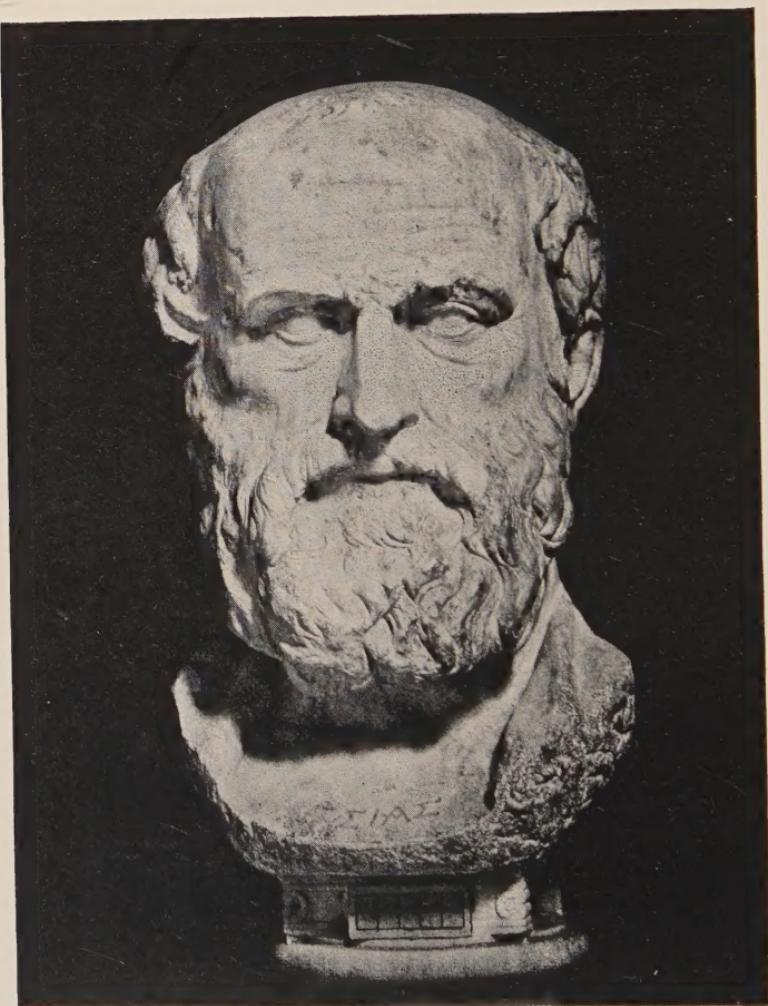
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BUST OF LYSIAS

(See Introduction, § 25.)

COLLEGE SERIES OF GREEK AUTHORS

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JOHN WILLIAMS WHITE AND THOMAS DAY SEYMOUR

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1895

LYSIAS.

# EIGHT ORATIONS

OF

# LYSIAS

EDITED

WITH INTRODUCTION, NOTES, AND APPENDICES

BY

Hicky  
MORRIS H. MORGAN, PH.D. 1859-1910,

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VIRO · DOCTISSIMO

GEORGIO · MARTINO · LANE

MAGISTRO · OPTIMO · AMATO



## PREFACE.

THIS volume of selected orations of Lysias is intended primarily for students who have never before read an Attic Orator. It is not based upon any single German edition. Yet the editor is far from laying claim to much originality. He has drawn freely from his many predecessors, and, in especial, he is indebted, on nearly every page of the notes and the appendix, to Rauchenstein and Frohberger, as will be clear to all who know the editions of these two scholars. In the Introduction, the present editor, like everyone who now writes on an Attic Orator, has found invaluable aid in the work of Blass. A list of the books to which reference is made by abbreviations will be found prefixed to the Index, and a list of editions of Lysias in Appendix B.

The eight orations here printed are arranged, for convenience of reference, in their numerical order, but this is not the order in which the editor would recommend that they be read. Judged by his experience, the speech *For Mantitheus* is the simplest to a beginner in Lysias, and it should be followed by the speech *Against Eratosthenes*. The notes to these two speeches are, therefore, somewhat elementary in nature, and matters of syntax are more fully treated in them than in the notes to the other speeches.

The editor is under great obligations to Professors White and Seymour for their careful reading of the proof-sheets, and for their many helpful and illuminating suggestions. He is grateful, also, to his colleagues and former masters, Professors Goodwin and Allen, for their kind assistance here and there throughout the book; and he thanks Professor Gildersleeve for encouragement in his work and for what he believes to be a certain emendation in VII. 14.

M. H. M.

HARVARD UNIVERSITY,

August, 1895.

## INTRODUCTION.

### PUBLIC SPEAKING IN ATHENS.

**1.** HOMER relates that Achilles, when he set out to join the army of Agamemnon, was but a boy, “as yet unskilled in war and in public speaking wherein men win preëminence.” Therefore Phoenix went with him, “to teach him all these things,—to be both a speaker of words and also a doer of deeds.”<sup>1</sup> Thus, ages before the written word was known, we find that the skill to speak and the power to fight were rated equally, each contributing to make up the hero. Such a hero was Odysseus, strong in council, as the Greeks before Troy found him when he showed that the fatal tenth year was at hand, and terrible in the combat, as when on the threshold of his house in Ithaca “he stripped him of his rags,” and “among the suitors each man looked about him how he might escape his utter doom.”<sup>2</sup>

**2.** It is a misfortune that, of the surviving Attic prose, the simplest is so full of descriptions of wars and so coloured by the dialect of campaigns that the young student of the Classics sees for a long time only one side of the character of the ideal Greek. In the heroic age, to be sure, men were more ready to settle their disputes by battle than by argument. Even in our own day the sword is still the final arbiter, although the appeal to its decision grows constantly rarer. In the Attic age, the Greeks highly appreciated the more

<sup>1</sup> *Il.* ix. 440 ff.

<sup>2</sup> *Il.* ii. 284 ff.; *Od.* xxii. 1, 43.

rational method of arbitration, though they did not employ it so often as we do. In spite of this, it is in the arts of peace that they are our best teachers, and to the history of their mastery of those arts our interest and admiration should chiefly be given.

**3.** Not until after the Persian wars could the Hellenic cities, now secure against the barbarian, begin that active and open intercourse which proved so favourable to the progress of literature in general and to that branch of literature which is here briefly treated — Oratory. Even before these wars, the habit of wearing arms was declining. It is a significant fact that the Athenians, a people destined to carry the art of oratory to its perfection, should have been among the very first to abandon the habit of wearing arms.<sup>3</sup>

**4.** Oratory, to the modern mind, is hardly a practical matter. Even in a university, the study of the art of speaking is not generally made a part of the regular course. If in this practical age we find but few orators, few men who, being called upon to speak in public, can acquit themselves to admiration, the reason must be that a man who takes the trouble to acquire the art in its perfection seldom finds occasions upon which to exercise it. When, on the other hand, we see that oratory was an art highly esteemed and ardently cultivated by an intelligent and thoughtful people like the Athenians, it is obvious that there were causes which made the ability to speak in public a thing to be desired in the common life of men. The occasions upon which a man feels the greatest need of the power of speaking persuasively are, first, when he is one of the counsellors of his country; and, secondly, when some personal need of his own is upon him. The councils of modern states are limited in the number of their

<sup>3</sup> Thuc. i. 6.

members. In Athens, the principal council was the Assembly of all the citizens. In its meetings the policy of the state received its final shape, and every citizen had equal rights to speak and to be heard. But political oratory, while often the duty of the citizen, is a duty that may be shirked. When, however, the citizen's own safety or the safety of his property is at stake, the obligation to accuse or to defend becomes peremptory,—when, in fact, recourse is had to legal procedure. But in modern times we avoid the task of speaking in person by putting our cases into the charge of those whose profession is to speak for us,—our attorneys. In Athens, a very different state of things prevailed, for there were no attorneys in Athens at all. Athenian procedure did not allow plaintiff and defendant to sit idly by, while counsel learned in the law fought out their battles for them. Each party was obliged to take his place in the court, and to make accusation and to defend himself with his own lips. This law applied to every case which could be brought before a court, from the most trifling misdemeanor punishable with a small fine, to the highest crime for which the penalty was death.

5. This fundamental difference between Attic legal procedure and our own goes far to explain the view which Athenians took of the art of oratory. This was a weapon which any man might be called upon to use; upon its possession might depend his enjoyment of his property and even the preservation of his life. And the requirement that each man should personally plead his own cause does not appear to have acted as a preventive of lawsuits. The Athenian fondness for litigation grew to be the passion which is so humorously caricatured by Aristophanes in his comedy of the *Wasps*. Athenians were never happier than when listening to a lively controversy, and probably but few personages in Athens could

have made with truth the assertion of Socrates to his judges : “I am over seventy years of age, and yet I have never come up before a court until to-day.”<sup>4</sup> Athenian lawsuits were as varied in their subjects as are our own. There is hardly a case upon our records which is not foreshadowed in Athenian experience. Even the problem of monopolies and trusts, which still remains unsolved, is not without its Athenian parallel. Lysias wrote one of his most interesting speeches against the members of a ‘corn-ring.’<sup>5</sup> Those who see in the character of the Greek people only the perfection which appears in their works of art make a mistake that is fatal to any real appreciation of the facts of ancient life. If we thus exalt the Greeks, our mere mortal vision cannot comprehend their features nor our thoughts sympathize with theirs. They were human ; therefore they often erred. If they had not, we could not feel their experiences half so keenly, nor learn so many lessons from their history.

**6.** In Athenian procedure, besides cases similar to our own, there were two classes of suits, foreign to any which are known to modern practice, which added a great mass of business to the work of the courts, and which made the need of the power of speaking in public more general among the citizens. Participation in public affairs was a far commoner thing in Athens than it is in our communities. The meetings of the public Assembly (*ἐκκλησία*) of all the citizens were no mere annual or semi-annual functions, like the American town-meetings. There were forty stated meetings of the *ἐκκλησία* every year, and additional meetings whenever occasion required.<sup>6</sup> For the Assembly was the supreme power of the State, the training-school in polities for the young Athenian, and at its

<sup>4</sup> Plat. *Apol.* 17 D.

<sup>6</sup> On the *ἐκκλησία* in general, see

<sup>5</sup> Oration xxii. See below, p. 89 ff. Gilbert, *Antiq.* p. 285 ff.; Gow, p. 118 ff.; Smith, *Dict. Antiq.* s.v. *Ecclesia*.

meetings the greatest statesmen first won the attention which raised them later to office. To hold an office in the gift of the people was felt to be the highest honour to which a citizen could aspire, and it was an honour open to all citizens and rarely shirked. In the annals of the best days of Athens we do not read of a class of persons who confined their share in the government to private criticism of its conduct and who refused to aid in remedying the evils of which they complained. Even Socrates thought it necessary to bring forward a divine mission as his excuse for not taking part in affairs of state.<sup>7</sup> Public station seems to have been generally sought, but the taking up and the laying down of office were attended with certain restrictions which are of interest to our subject.

7. At the end of his term of office, every magistrate was obliged to submit to a public accounting (*εὑθυνα* or *εὑθύνη*, frequently used also in the plural, *εὑθυναι*) for all his official acts. This law applied not only to the high officers of the State, such as archons, generals, senators, ambassadors, and trierarchs, but also to every one of the whole multitude of minor officials in every department of state, civil or military, whether elected by the lot or by a show of hands. At the end of each officer's term, he was obliged to submit his accounts to thirty magistrates called *λογισται*. If their examination showed maladministration of the public funds, they reported the case to the ten *συνήγοροι*, who, after satisfying themselves of the justice of the charge, laid the matter before a Heliastic court<sup>8</sup> consisting of 501 *δικασται*. But this was not all. For it was the privilege of even the humblest citizen to appear and bring forward any complaint which he might have to make against the retiring official. Such charges were not con-

<sup>7</sup> Plat. *Apol.* 31 C. See below on

<sup>8</sup> See below, § 41 ff.

fined to the administration of public money, but might be made with regard to any acts committed while in office. If the charge was of a personal nature, it was settled by inferior magistrates; if it was made on public grounds, it was brought before a Heliastic court. An official undergoing *εὑθυναι* was not allowed to leave Athens or to transfer his property before the investigation was completed; and he was not permitted to retire into private life until every charge against him had been answered or every penalty inflicted had been paid.<sup>9</sup>

**8.** But not only at the end of official careers did the sovereign people inquire into the conduct of its officials. By another law, every person elected or chosen by lot to an office was required, before he entered upon it, to show his fitness to hold it. The candidate must first prove that he was an Athenian citizen; then he must show that he worshipped the tutelary gods *Απόλλων πατρῷος* and *Ζεὺς ἐρκεῖος*; that he took care of his family tomb; that he had been dutiful to his parents; that he had performed all the required military duties; and that he was assessed in the property class to which he legally belonged.<sup>10</sup> These were the principal points; but, as in the *εὑθυναι*, so in this admission examination (called *δοκιμασία*), the inquiry might take a wider range and extend to an investigation of the candidate's whole life.<sup>11</sup> Any citizen might come forward against him and show facts in his public or

<sup>9</sup> On the *εἱθυναι*, see Gilbert, *Antiq.* p. 224 ff.; M. and S. p. 257 ff.; Smith, *Dict. Antiq.* s.v. *Euthyne*. Between the forms *εὑθυνα* and *εὑθύνη* there is not inscriptional evidence enough to decide. See Meisterhans, p. 94; Bl. Kühn. *Gr. I.* p. 382.

<sup>10</sup> For the general requirement of a *δοκιμασία*, cf. Arist. *Resp. Ath.* 55. 2, *πάντες γὰρ καὶ οἱ κληρωτοὶ καὶ οἱ χειρο-*

*τονητοὶ δοκιμασθέντες μρχονσιν.* For the questions put, cf. Arist. *ibid.* 3; Dinarch. II. 17. In the case of a few offices there were special qualifications, as the archonship; see on xxiv. 13. On the *δοκιμασία* in general, see Gilbert, *Antiq.* p. 218 ff.; M. and S. p. 236 ff.; Smith, *Dict. Antiq.* s.v. *Dokimasia*.

<sup>11</sup> Cf. xvi. 9; xxiv. 15, 19; and p. 28, n. 29.

private life which might disqualify him for office. The general principle of the *δοκιμασία* applied to others than officials. For example, every youth, on coming of age, was required to show that he was legitimately entitled to the privileges of citizenship<sup>12</sup>; cripples in receipt of state allowances must annually prove that they needed the aid, and every cavalry man must offer himself and his horse for the test of fitness.<sup>13</sup> Though the different classes of *δοκιμασται* came in the first instance before different magistrates, yet in the last resort almost all cases arising from these examinations might be brought into a Heliastic court for settlement. The candidate, if rejected (*ἀποδοκιμάζειν*), seems in some cases, at least, to have suffered partial *ἀτιμία* (see § 51).

**9.** Evidently, an enormous increase of business in the courts must have been the result of the working of two such laws as these which have just been examined. Not only would the good citizen feel it to be his duty to appear either to protest against the entrance of unworthy persons into office or to expose the unfaithful official at the end of his term, but these two occasions would also afford opportunities to a man's political or personal enemies to bring vexatious, slanderous, or unfounded charges against him for his political ruin. More than one-fourth of the extant genuine orations of Lysias were written for such occasions.<sup>14</sup> Even the greatest statesmen might well have feared to submit to such a scrutiny of their lives; every Athenian knew that his enemies would spare no pains to search his record to the very bottom. And here again, as in every other suit, came into operation the law which required every citizen to plead his own cause personally.

<sup>12</sup> Cf. xxxii. 9; Arist. *Resp. Ath.* 42; M. and S. p. 255; Gilbert, *Antiq.* p. 197 ff.

<sup>13</sup> Cf. Or. xxiv; xvi. 13; Arist. *Resp. Ath.* 49.

<sup>14</sup> For *δοκιμασται*, xvi, xxiv, xxv, xxvi, xxxi. For *εὐθυναι*, xii, xxi, xxvii.

**10.** At first hearing, this requirement appears to be the veriest subversion of justice, and one asks in wonder wherein lay safety for the untrained against the skilful orator, and for the ignorant against the highly educated man. This just question may best be answered by asking and answering another. At the time when the requirement began, or, even later, at the time of the Persian wars, who were the skilful orators and the highly educated men in Athens? The answer is,— there were none of either class. Education,<sup>15</sup> in this early period, was very simple, and was the same for all alike. In the small territory of Attica, in area less than one-tenth of Massachusetts or of Wales, there were few citizens who had not acquired the branches which for a long time comprised the entire curriculum,— reading, writing, counting, singing and lyre-playing, and gymnastics. There was nothing to read but Homer and the lyric poets. There was no prose to read, because none had been written. Greek literature, like that of every other nation, begins with poetry. To be an educated man in the days when education meant so little was not difficult. To be an orator was an impossibility, except in the sense of that natural oratory in which the Homeric hero excelled. In such a community, therefore, the law which obliged every citizen to plead his own cause was not so unfair as it appears to us with our knowledge of rhetoric and of logic. But after the birth of these arts, the old law was no longer fair for all alike.

**11.** This is not the place in which to attempt a full account of the beginnings of rhetoric as an art.<sup>16</sup> It must here suffice

<sup>15</sup> On this subject, see Blümner's *Home Life of the Ancient Greeks*, translated by Zimmern, p. 102 ff.; Becker's *Charicles*, Goll's edition, II, p. 19 ff., English edition, p. 217 ff.; Hermann, *Privatalt.* p. 311 ff.

<sup>16</sup> For accounts of early rhetoric and rhetoricians, see Blass, *Att. Bereds.* I, p. 1 ff.; Jebb, *Attic Orators*, I, p. cviii ff.

to observe that Athens, in which the art was destined to reach its perfection, was not the place which saw its birth. Its rules were founded upon the theories and principles of rhetoricians who lived, spoke, and wrote treatises in the Ionic East and in Sicily. In Ionia of Asia Minor correctness in speaking and writing was first made the object of study. The first rules for the arrangement of the narrative and argumentative parts of a speech were formulated in Sicily by Corax of Syracuse, who lived about 470 B.C. His system was developed and committed to writing by his pupil Tisias, likewise a Syracusan, and reputed the earliest master of Lysias.<sup>17</sup> In this book, the first *Art of Rhetoric* ever published (no longer extant), was explained the use of the famous “arguments from probability,” the great weapon of early rhetoric. For example, if a physically weak man be accused of an assault, he is to ask the jury, “Is it *probable* that a weakling like me should have attacked anybody?” while if the accused is a strong man he is to claim that it is *improbable* that he should have committed an assault in a case where his strength was sure to be a presumption against him.<sup>18</sup> This “topic of general probability,” as it was called, became the favourite of the early rhetoricians and orators, and allusion will frequently be made to it in the notes on the following orations of Lysias.

**12.** The simple principles laid down by the first teachers of rhetoric were soon improved and amplified by their Ionic and Sicilian successors. Athens herself took no part in the early development of the art. It is true that Pericles was a great orator. Suidas notes that he was the first Athenian who composed a forensic speech before delivering it; his predecessors

<sup>17</sup> See below, § 16. On Corax and Tisias, see Blass, *ibid.* p. 18 ff.; Jebb, *ibid.* p. cxxi ff.

<sup>18</sup> Jebb, *ibid.*; cf. Arist. *Rhet.* ii. 24. 11.

had never written out their speeches beforehand. But the successes of Pericles were due to the personal spell that hung about the man himself rather than to any rules of rhetoric. “Persuasion,” says the comedian Eupolis,<sup>19</sup> “sat upon his lips, and, alone of the speakers, he always left his sting in his hearers.” Not until two years after his death did the Athenians become acquainted with the power of artistic oratory. In 427 b.c., an embassy was sent to Athens from Leontini in Sicily. Gorgias, the most famous orator and rhetorician of his time, was at its head. He addressed the Assembly, and the effect of his speech upon the future of oratory cannot be overestimated. The Athenians, already fond of public speaking and quick to appreciate natural excellence in it, were astounded, says Diodorus,<sup>20</sup> at the strange new fashion of the Sicilian’s language. They were enchanted by his cleverly-balanced clauses, his artistic use of antithesis, his employment of *homoeoteleuta* and of other figures of rhetoric then new to them. His style of eloquence became the fashion. From this time forward, the Athenians, long accustomed to recognize musical rhythm and finished expression in poetry, now began to demand these qualities in prose. Ability to speak in public had always been indispensable to the citizen who wished to distinguish himself in politics or who had to defend himself in the courts. It was henceforward cultivated as a fine art, and Greek audiences (as Jebb remarks) criticized the style of a speech as we criticize the style of a book. Schools of rhetoric were soon opened. In the courts, artistic oratory and rhetorical arguments so caught the fancy of the Athenians that (as we have too much reason to believe) a suitor, who could offer these to the jury, had a strong case even against the

<sup>19</sup> *Frag.* 94, Kock. On the oratory of Pericles, see Blass, *ibid.* p. 34 ff.; Jebb, *ibid.* p. cxxviii ff.

<sup>20</sup> xii. 53. On Gorgias, see Blass, *ibid.* p. 47 ff.; Jebb, *ibid.* p. cxxiii ff.

adverse testimony of eye-witnesses.<sup>21</sup> In the Assembly, the finished and (as he soon became) the professional orator overshadowed his humbler competitor for the public favour.

**13.** The knowledge of the devices of rhetoric evidently must have led to a modification in the working of Athenian legal procedure. The law had always required the citizen to plead his own cause,<sup>22</sup>—it always obliged him to *deliver* his own plea, but the letter of the law had never obliged him to *compose* his speech himself. As soon as the suitor, or the aspirant for the honours of the *έκκλησία*, found that there were people who could write a better speech for him in his need than he could hope to compose for himself, he naturally turned to them for aid. Nothing in the law forbade it, and thus arose the profession of the *λογογράφος* or speech-writer,—a profession which the great Athenian orators all practised. The ordinary citizen had not the time or the will to devote himself to the careful study which had now become necessary for success in the art; he was quick to realize that an honest suitor with a good cause, but without the help of rhetoric, ran the risk of being defeated by an opponent whose cause, although it might be weaker, was made to appear the better by the rhetorical aid which he had purchased from a *λογογράφος*. The suitor, therefore, had recourse to the speech-writer just as we go to our lawyers,—but with this difference, that the speech-writer's duties ended with the beginning of the trial of the case in court. He only wrote the speeches necessary, and perhaps gave his client some instruction in delivery.<sup>23</sup>

<sup>21</sup> See below, p. 5 and n. 49.

<sup>22</sup> No actual 'law' survives, but the whole constitution of the Athenian procedure shows so clearly the existence of such a provision that we hardly need the words of Quintilian, ii. 15. 30, *tum maxime scribere litigato-*

*ribus, quae illi pro se ipsi dicent, erat moris, atque ita iuri, quonon licebat pro altero agere, fraus adhibebatur.*

<sup>23</sup> M. and S. p. 919 f. On the *συνήγορος*, see below, § 36.

**14.** The first Athenian who wrote speeches for pay was the orator Antiphon,<sup>24</sup> who came into prominence during the revolution of the Four Hundred,<sup>25</sup> and who was condemned to death as one of the leaders of that movement. A *λογογράφος*, therefore, if he were a citizen, might be active in public affairs on his own account as well as for others. The greatest statesman who practised the profession was Demosthenes. It is true that his most famous speeches were both written and delivered by himself, but he wrote also for other men. Demosthenes was first led to become a master of oratory by the dishonesty of his guardians, who cheated him out of his patrimony during his minority, and it was pecuniary misfortune which led Lysias, another of the Ten Orators,<sup>26</sup> to adopt the profession of the *λογογράφος*.

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### LIFE OF LYSIAS.

[*AUTHORITIES.* *Ancient:* 1) His own oration *Against Eratosthenes* (xii); 2) Plato, *Republic*, *init.*, and *Phaedrus*, *passim*; 3) pseudo-Demosthenes, LIX. 21 ff.; 4) Athenaeus, p. 592 f.; 5) Dionysius of Halicarnassus, *Περὶ Αὐτῶν*, containing a biography as well as a critical estimate; 6) the pseudo-Plutarchian biography in the *Βίοι τῶν δέκα Πητόρων* (*Moralia*, p. 835 C, ff.); 7) the brief biographies in Photius, *Bibl.* 262, and 8) in Suidas, s.v. *Αὐτόλις*. *Modern:* Since Hoelscher's *De vita et scriptis Lysiae oratoris*, Berolini, 1837, there have been numerous pamphlets or articles on the subject. These are cited and their results summarized in Blass, *Attische Beredsamkeit*, I, p. 339 ff.; Jebb, *The Attic Orators*, I, p. 142 ff.; as well as in the histories of Greek literature by Christ, Sittl, and others. See also Mahaffy's *Classical Greek Literature*, II, 1, p. 136 ff.]

**15.** Lysias was born probably in Athens,<sup>27</sup> but the exact year of his birth is undetermined. The traditional date,

<sup>24</sup> Ps.-Plut. *Vit. X Oratt.* p. 832 C; Diod. apud Clem. Al., *Str. i.* 365 (II, 66 Dindorf).

<sup>27</sup> Cicero, *Brutus*, 63; Dion. H. § 1;

Plut. § 2; Suidas. But Christ and others believe that he was born in Syracuse.

<sup>25</sup> Cf. Lys. XII. 67.  
<sup>26</sup> On the 'Decade,' see Jebb, *Attic Orators*, I, p. lxv f.

accepted by the ancients and by many modern scholars, is 459 B.C., but there are facts which point to a later year,—say about 444.<sup>28</sup> His father Cephalus, the son of Lysanias and grandson of Cephalus,<sup>29</sup> was a wealthy Syracusan, who came to settle in Athens at the invitation of Pericles.<sup>30</sup> It was the wish of that great statesman to bring to the city foreigners of wealth as well as of learning. As one of the former, Cephalus, probably a manufacturer of arms at Syracuse, was attracted

<sup>28</sup> The traditional date rests on a mere conjecture, as Dionysius, § 1, admits when he says that Lysias returned to Athens from Thurii at the age of forty-seven, *ως ἀν τις εἰκάσειεν*. The year 459 was fixed upon because it was believed (probably on the authority of Lysias himself in his speech *On his own Services*) that he went to Thurii at the age of fifteen, and because Thurii was founded in 444 B.C. But there is no evidence that he went in the very year of its foundation (unless it lie in the imperfect *ἔστελλον* used by Dionysius); and if he was born in 459, it follows that he did not begin his active career as a speech-writer until he was fifty-seven years old. This seems to many very doubtful, considering his high reputation in the profession and his great fertility of production. The tradition is, however, still followed by Rademacher, *De Lysiae oratoris aetate*, Berolini, 1865; A. Schöne, *Die Biographien der zehn att. Redner*, Jahrb. für Philol. 1871, p. 761 ff.; A. Weineck, *Das Geburtsjahr des Lysias*, Mitau, 1880; B. Pretzsch, *De vitae Lysiae oratoris temporibus definiendis*, Halis, 1881; and by Jebb, p. 143 f. Another date, first suggested by Vater (*Jahrb.*

für Philol., Suppl. Bd. IX, p. 165 ff.), is 432. But this would make Lysias younger than Isocrates (born 436), and all accounts agree that he was older (cf. Plat. *Phaedr.* 278 E; Ps.-Plut. § 16 f.; Dionysius, *Vit. Isocr.* § 1; Ps.-Plut. *Isocr.* p. 836 E). The year 444 was first set by K. F. Hermann (*Gesammelte Abhandlungen*, p. 15), and to this or 445 Blass and Christ incline. It depends chiefly on the Plutarchian statement, § 3 (which may or may not be based on Lysias in his speech *On his own Services*), that Lysias did not go to Thurii until after the death of Cephalus. Now Cephalus was invited to Athens by Pericles, and this could hardly have been before 460 B.C. Lysias says (xii. 4) that his father lived thirty years in Athens; hence Cephalus died not before 429, and Lysias, if he went to Thurii in 429 at the age of fifteen, was born in 444. For a full discussion of this unsolved problem, see Blass. Nothing decisive about the date can be based upon the assemblage of persons in the *Republic*, for it is clear from the *Protagoras* that Plato did not pretend to pedantic exactness in such matters.

<sup>29</sup> Plat. *Rep.* 330 B; Ps.-Plut. § 1.

<sup>30</sup> Lys. xii. 4.

thither, induced no doubt by the commercial advantages offered by the capital of the Hellenic world.<sup>31</sup> The State, while refusing to foreigners any participation in public affairs, gave them, under the title of metics,<sup>32</sup> all the protection of the laws on payment of a special tax, and on performance of certain public duties. A privileged class of metics, called *ἰσοτελεῖς*, to which Cephalus belonged, was relieved from the metics' tax and duties, and shared the taxes and liturgies of the citizens. They were (like ordinary metics) sometimes allowed, as a special privilege, to own land and houses.<sup>33</sup> Probably Cephalus was thus a householder; certainly his sons owned houses. He lived in Athens for thirty years,<sup>34</sup> and his wealth<sup>35</sup> and the protection of Pericles, together with the personality of the man himself, made him influential in the city. He had the virtue of true hospitality, must have been of a genial, kindly temperament (for his son says that he never had a lawsuit), and was well read in the best literature. The whole picture which Plato draws in the beginning of the *Republic* shows that Cephalus was known as a man of sweet and noble disposition, gifted with the dignity and courtesy of the old school. He had three sons, Polemarchus, Lysias, and Euthydemus, and a daughter who was married to one Brachyllus.<sup>36</sup> The third son is mentioned

<sup>31</sup> The story in Ps.-Plut. § 1, that Cephalus was exiled from Syracuse when Gelon became tyrant (485 B.C.), probably belongs to the life of his grandfather Cephalus.

<sup>32</sup> On the metics and isoteleis and their patrons (*προστάτης*), see Gow, p. 102 f.; Smith, *Dict. Antiq.* s.vv. *Metoeccus* and *Civitas*; Gilbert, *Antiq.* p. 176 ff.; Hermann, *Staatsalt.* pp. 419 ff., 428 ff. See on xxxi. 9 and 29.

<sup>33</sup> Gilbert, *Antiq.* pp. 178, 183; Hermann, *Staatsalt.* pp. 420, 428.

<sup>34</sup> Lys. xii. 4. This statement does not necessarily preclude the view that Cephalus himself may have gone to Thurii to settle his sons there; Susemihl, *Plat. Forschungen*, II, p. 109.

<sup>35</sup> Plut. § 1; Plat. *Rep.* 330 B.

<sup>36</sup> The Ps.-Plut. §§ 3 and 15, calls Brachyllus a brother of Lysias, but, as Westermann and Blass conclude, this was an error due to a misunderstanding of [Dem.] lxx. 22, where it is doubtless meant that he was a brother-in-law.

(besides in the biographies of Lysias) only in the *Republic*, where he appears as a mere youth. The eldest, Polemarchus, seems to have been fond of philosophical studies, for he was called ‘the philosopher.’<sup>37</sup> During his father’s life he lived in the Piraeus, for he appears in the *Republic* as the host of Socrates. He was killed by the Thirty Tyrants, under the circumstances described in Lysias’s Twelfth oration.

**16.** Since Lysias belonged to such a family, it is not surprising to hear that his early life was passed among the most distinguished of the Athenians.<sup>38</sup> His boyhood fell in the golden age of art and literature. He might often have seen the great sculptor Phidias, who was at that time engaged in superintending the completion of the Parthenon and in the creation of his masterpieces of the plastic art. Aeschylus, indeed, was dead; but the tragic poets Sophocles and Euripides, the comedians Cratinus and Crates, and the philosopher Anaxagoras, were familiar figures in the city. Such surroundings could not have been without their influence upon the mind of the future orator. When Lysias was fifteen years old, he went with his brother Polemarchus to Thurii,<sup>39</sup> a colony founded, under the superintendence of Athens, in Magna Graecia on the site of the ancient Sybaris. Possibly Pericles had granted rights in the colony to their father and they went to take possession of these; for, according to the tradition,<sup>40</sup> Cephalus was now dead. The place was well suited to them both. It was a flourishing colony, and there was doubtless a good demand for the arms and armour which it was their trade to manufacture. Then, too, Polemarchus could indulge his taste for philosophy in the society of the sophists who were gathered

<sup>37</sup> Plat. *Phaedr.* 257 B; Plut. p. 998 B.      *Hist. of Greece*, XLVII; Curtius, *Hist.*

<sup>38</sup> Dion. H. § 1; Ps.-Plut. § 2.

*of Greece*, II, p. 535.

<sup>39</sup> Dion. H. § 1; Ps.-Plut. § 3; Grote,

<sup>40</sup> See notes 28 and 34.

there from the different parts of Hellas, and we have no reason to doubt the story that it was in Thurii that Lysias first studied the principles of rhetoric from the Sicilian masters of the art.<sup>41</sup> It may be that one of his masters in Thurii was Tisias,<sup>42</sup> the pupil of Corax.<sup>43</sup> There is a legend that among the rhetorical exercises of Lysias, written at this period, was a speech in which Nicias, the noble but unfortunate general, was represented as suing for his life from his Sicilian captors ; but, even aside from the style of the only fragment which remains of this work, it seems highly improbable that Lysias could have found time for such a composition at the moment of the Athenian defeat.<sup>44</sup>

**17.** For the prosperous life of the two brothers in Thurii was brought to a sudden end. In spite of Dorian and Loerian influences which had always been at work in the colony, the Athenian party, with its democratic ideas, managed to keep the upper hand until the disaster to the Athenian arms in Syracuse. This fatal event was naturally a great blow to Athenian power in the West. There was a revolution in Thurii, and three hundred Athenians, among them Lysias and Polemarchus, were banished for ‘Atticism.’<sup>45</sup> They returned to Athens and found the Four Hundred in power there. Then followed the most stirring part of the Peloponnesian war ; but Lysias and his brother, as metics, were shut out from taking any active part in polities. Such duties as they owed the State (the *εἰσφορά*, *χορηγία*, and the more voluntary *λύσις αἰχμαλώτων*) were generously performed,<sup>46</sup> but their main interests were business,

<sup>41</sup> On the beginnings of rhetoric and of artistic oratory, see Jebb, *ibid.* I, p. cxvii ff.; Blass, *ibid.* I, p. 1 ff.

<sup>42</sup> So Ps.-Plut. § 3. But possibly Lysias first heard him later in life, in Athens, where Tisias was the master of Isocrates; see Dion. II. *Vit. Isocr.* § 1.

<sup>43</sup> On Tisias and Corax, see above, § 11.

<sup>44</sup> Blass, *ibid.* p. 347; Jebb, *ibid.* p. 147.

<sup>45</sup> Dion. II. § 1; Ps.-Plut. § 4.

<sup>46</sup> XII. 20. On the duties and burdens of metics, see Gilbert, *Antiq.* p. 178 ff.

study, and social life. In their financial position, they were prosperous. Inheriting the capital of their rich father, they were wealthy,<sup>47</sup> and to increase this wealth they carried on an arms factory (probably also inherited) in which were employed one hundred and twenty slaves.<sup>48</sup> They owned also three houses,<sup>49</sup> which were richly furnished with all the necessaries and luxuries of life.<sup>50</sup> We have the express statement of the pseudo-Plutarch, that Lysias was an *isoteles*<sup>51</sup> like his father.

**18.** While Cephalus was alive, his sons seem to have lived with him in the Piraeus.<sup>52</sup> After their return from Thurii, Polemarchus seems to have lived in Athens,<sup>53</sup> and Lysias in the Piraeus.<sup>54</sup> Their life was untroubled by that bane of Athens, the lawsuit,<sup>55</sup> and there is no evidence that, at this period, Lysias wrote speeches even for others to deliver in the courts.<sup>56</sup> Such employment was not necessary, for he was rich enough to live without the additional income which he might thus have gained. But his thoughts were not altogether occupied with his business, as his sophistic writings, later to be noticed, clearly show. There is also a story told by Aristotle (in Cicero's *Brutus*, § 48) that Lysias kept a school of oratory for a time, but soon closed it, owing to the successful rivalry of Theodorus. This story may be partly true. Lysias is called a sophist in the pseudo-Demosthenic oration against Neaera (§ 21), and he appears as such in his epideictic orations and in the erotic essay in Plato's *Phaedrus*.

<sup>47</sup> XII. 6, 9, 11.

<sup>53</sup> XII. 16.

<sup>48</sup> XII. 8, 19.

<sup>54</sup> Cf. the story of Lysias's arrest,

<sup>49</sup> XII. 18.

which seems to have been made in the

<sup>50</sup> XII. 18 f.

Piraeus (XII. 8, 12, 16); with Plat.

<sup>51</sup> Ps.-Plut. § 9. And so doubtless was his brother. Boeckh (*Staatsk. I.* p. 177) thought that the ownership of houses was in itself a proof of *isoteles*; but see above, note 33.

*Phaedr.* 227 B.

<sup>52</sup> Plat. *Rep.* 328 B.

<sup>55</sup> XII. 3 f.

<sup>56</sup> Blass, *ibid.* p. 348. Neither oration xx nor xiv is the genuine production of Lysias.

**19.** Thus, for seven years, the brothers lived in apparent security,—the favourites of fortune, working only as the rich man who labours merely to increase his wealth. But the sure march of events was bringing disaster upon them in common with their adopted country. In swift sequence came the disaster at Aegos Potami, the siege and fall of Athens, and the brief but blood-stained episode of the Thirty Tyrants. The few months of their misgovernment was a perfect reign of terror. One day was enough to decide the fate of Lysias and his family. The morning saw him honoured and happy, beloved by a large circle of friends, the wealthy owner of houses, manufactories, and slaves,—at noon he was the prisoner of the Thirty,—the darkness of the night covered his flight from Athens,—his brother lay murdered, and the bulk of his possessions were confiscated by the plundering tyrants. The exciting story of that day is preserved in his own words,<sup>57</sup> spoken when, after the restoration of the democracy, he returned to Athens and sought vengeance on his brother's murderers.

**20.** The calamity which thus befell Lysias, great though it was, cannot have amounted to utter financial ruin if there is anything in the stories of his generosity towards the cause of the patriots in exile. Late as these stories are, yet they doubtless contain at least some grains of truth, and may have been drawn from his own speech *On his Services*.<sup>58</sup> It is said that he contributed 2000 drachmae to the funds of the exiles,<sup>59</sup> furnished from two hundred to five hundred shields,<sup>60</sup> and paid the wages of three hundred soldiers, who were hired from Aegina.<sup>61</sup> This

<sup>57</sup> XII. 8 ff. For the general history of the Thirty Tyrants, see Grote, *Hist. of Greece*, chap. LXV; Curtius, IV, chap. 1. See also the Chronological table, below, p. 209.

<sup>58</sup> See below, § 21. On the help

given by the metics in general to the exiles, cf. XXXI. 29.

<sup>59</sup> Ps.-Plut. § 7; Phot.

<sup>60</sup> Ps.-Plut. § 7; Phot.; Schol. Aeschin. *Ctes.* § 105; Justin. v. 9. 9.

<sup>61</sup> Schol. Aeschin. *ibid.*

last item may be an exaggeration which grew out of his mission with Hermon to hire these mercenaries.<sup>62</sup> He is said also to have persuaded his guest-friend Thrasydaeus of Elis to contribute two talents.<sup>63</sup> We hear nothing further of his life during the months of exile.

**21.** For his patriotic services in this time of need, Lysias enjoyed for a moment the highest reward which the Athenians had the power to give, but it was snatched away almost before he could have appreciated that it was his. Immediately after the return of the exiles, the Assembly passed a decree, proposed by Thrasybulus, under which full citizenship was given to Lysias. But this decree was clearly unconstitutional; for, as the Senate was not yet re-established, the decree had not been submitted to it, as the law of the democracy required, before being proposed to the people. Hence, Archinus brought a *γραφὴ παρανόμων* against Thrasybulus, carried his point, and Lysias fell back to his former status as a metic.<sup>64</sup> Such is the traditional account of this affair; but it now appears from a passage in Aristotle's *Constitution of Athens* that the decree of Thrasybulus did not concern Lysias alone,<sup>65</sup> but that it gave the citizenship to all (even to slaves) who had returned from the Piraeus with the exiles. It was natural enough that such a wholesale act, even aside from its illegality, should have excited indignation, and the new light from Aristotle renders unnecessary the ingenious

<sup>62</sup> Ps.-Plut. § 7; Phot.

<sup>63</sup> Ps.-Plut. § 7; Phot.; cf. Xen. *Hellen.* iii. 2. 27.

<sup>64</sup> On the whole story, cf. Ps.-Plut. § 8; Phot.; Schol. Aeschin. iii. § 195; Schol. Hermog. in Walz, *Rhet. Graec.* V, p. 343. On the *γραφὴ παρανόμων*, see Gilbert, *Antiq.* p. 299; M. and S. p. 428 ff.

<sup>65</sup> Arist. *Resp. Ath.* 40. 2. If the scholiasts and late writers drew their information from Lysias *On his own Services*, the language of the speech made it natural that they should suppose that the decree applied only to him.

conjectures<sup>66</sup> which have been made in order to account for the apparently pointed injustice done to a man who had deserved so well of the State. At some stage of this affair, Lysias seems to have made a speech or published a pamphlet entitled *On his own Services*, a work which has survived only in a few words quoted here and there,<sup>67</sup> but which doubtless provided the ancient biographers with many facts for their accounts of his life.

**22.** Reduced once more to the status of a metic and to comparative, if not actual poverty, Lysias naturally turned for employment to a profession for which his favourite rhetorical studies had prepared him. He became a λογογράφος.<sup>68</sup> and the rest of his life was spent in this profession. The fact that all his known forensic works were composed after his misfortunes shows that loss of money was the cause of his activity. The speechwriter's was not a life which brought a man real glory, in the Athenian sense of the word; for the speechwriter received pay for his services, and Athenian prejudice forbade a gentleman to receive pay except from the State. There was, too, a feeling in all circles, both high and low, against the man who had the art of 'making the worse cause appear the better.' Neither Lysias nor Demosthenes, therefore, won any great fame among their fellowcitizens in their chosen profession,<sup>69</sup> although each earned money by it. The industry of Lysias was great: in literary productiveness he far surpassed every other Attic orator.<sup>70</sup> His attack on Eratosthenes must have been an excellent advertisement for him, and so was that other speech called

<sup>66</sup> Such as, for instance, that he was distrusted as a sophist. See Blass, *ibid.* p. 349; Usener, *Rhein. Mus.* XXXV, p. 149. Scheibe (*Jahrb. XXXI*, p. 359) doubted the whole story.

<sup>67</sup> Harp. 8.vv. Κεῖοι, μεταπύργιον,

Φηγαεῦσι. Cf. Ps.-Plut. § 11, and see Blass, *ibid.* p. 359; Jebb, *ibid.* p. 151 f.

<sup>68</sup> On this profession, see above, § 13.

<sup>69</sup> Schaefer, *Demosthenes*<sup>2</sup>, I, p. 342.

<sup>70</sup> See below, § 33.

a *Plea for the Constitution*, composed about 403 B.C.,<sup>71</sup> and showing the author's true democratic spirit.

**23.** Not much remains to be said about the events of his life. He was married (we know not when) to his sister's daughter,<sup>72</sup> but we do not hear that he had children. That he was a well-known personage in Athens must be clear from the nature of the allusions to him in Plato.<sup>73</sup> But the story that he was once sent upon an embassy to the elder Dionysius of Syracuse rests without doubt upon a corrupt reading in one of his own works.<sup>74</sup> It is not likely that a metic would have been selected to represent the State on such a mission. Yet there were occasions when even a metic might display his powers of oratory for the admiration of his fellowmen and to draw attention to his own attainments. Such occasions were offered by the great national gatherings of Greece, the Games. At the most famous of these, the Olympian, there were intellectual as well as athletic exhibitions. In the time of Lysias, an author's surest road to fame lay in the reading or reciting of his own works to the largest possible number of hearers. At Olympia, an orator was sure of an audience gathered from all parts of the Hellenic world. His choice of a subject was naturally influenced by the public events which at the time were most interesting to his hearers. Thus, when Gorgias spoke at Olympia, the Greek States were distracted by civil war and the orator exhorted them to put away their discords and to unite against their common enemy, the barbarian.<sup>75</sup> At the time of Lysias's Olympic oration,<sup>76</sup> a new enemy to

<sup>71</sup> Oration xxxiv. See below, § 39.

<sup>72</sup> [Dem.] lix. 22, and see above, note 36 and on xxxii. 4. This marriage did not prevent him from having relations with one of the *demi-monde*; cf. [Dem.] *ibid.* 21 ff.; Ath. p. 592 f.; Ps.-Plut. § 15.

<sup>73</sup> Plat. *Phaedr.* 227 A-279 A; *Cli-toph.* 406 A; *Rep.* 328 B.

<sup>74</sup> xix. 19. See Blass, *ibid.* p. 352; Jebb, *ibid.* p. 154.

<sup>75</sup> Jebb, *ibid.* p. 203 ff.

<sup>76</sup> Dion. § 29; Ps.-Plut. § 20; Diod. xiv. 109.

Greek freedom had arisen in the west, and against Dionysius, tyrant of Syracuse, he lifted up his voice. Only the first part of the oration is now extant, but it is evidence enough that he was capable of giving wise advice at a grave national crisis.

**24.** The date of the death of Lysias can be fixed with no greater certainty than that of his birth. The tradition that he lived to be eighty years of age seems to be based on nothing better than conjecture.<sup>77</sup> His literary life, however, ends for us in 380 b.c., for we hear of no works of his that bear a later date, and it is probable that he died soon afterwards.<sup>78</sup> The Plutarchian biography preserves eight verses from an elegy upon Lysias, written by Philiscus, the pupil of Isocrates.<sup>79</sup>

**25.** The lineaments of the orator have been transmitted to us in three Roman replicas of an ancient Greek work, possibly executed in the lifetime of Lysias himself. A print of the finest of them, the bust now in the Museum of Naples, forms the frontispiece of this volume.<sup>80</sup> It represents Lysias when well past the prime of life. The strong head with its broad, bald forehead, its serious, earnest eyes and fine lips, mark the man successful in the fields alike of thought and of action.

<sup>77</sup> Dion. § 12. The gossiping Ps.-Plut. § 9 sets his age at seventy-six or eighty-three years, and adds that he saw the boy Demosthenes (born 383 b.c.).

<sup>78</sup> Blass, *ibid.* p. 344; Jebb, *ibid.* p. 155.

<sup>79</sup> Ps.-Plut. § 17 f., who calls it an epigram. But it is clearly part of a longer poem, of no special literary value. See Bergk, *Poet. Lyr. Graec.*<sup>4</sup> II, p. 327.

<sup>80</sup> Taken from Brunn and Arndt, *Griechische und Römische Porträts*,

Lief. xiv, No. 131. Engraved also in Visconti, *Icon. Gr.* I, Tav. xxviii, p. 337, and in Christ, *Gr. Litteratur-Geschichte*. See also Bernouilli, *Die erhaltenen Bildnisse berühmter Griechen*, p. 15; Furtwängler, *Masterpieces of Greek Sculpture*, p. 81. For the Capitoline replica (in the Room of the Philosophers, No. 96), see Brunn and Arndt, *ibid.* No. 133, and for the replica at Holkham Hall, Michaelis, *Ancient Marbles in Great Britain*, p. 317.

## STYLE OF LYSIAS.

[**AUTHORITIES.** *Ancient*: Dionysius of Halicarnassus, *Hēpli Auστov*. *Modern*: Blass, *Attische Beredsamkeit*, I, p. 381 ff.; Jebb, *Attic Orators*, I, p. 158 ff. The more special works of narrower scope are cited in Blass. See also the authorities named at the head of § 15.]

**26.** We may well imagine that a career of dependence, coming after independence, was at first irksome to Lysias. Yet the life of a successful Athenian speech-writer, in the sense in which Lysias understood the claims of his profession, was neither inactive nor uninteresting. It demanded not only acquaintance with the laws and with procedure in court, but also deep insight into the character of individuals, and wide knowledge of human nature as a whole. Modern lawyers are spared the problem which Lysias felt that he had to solve. He deemed it not sufficient that the speeches which he wrote should be as perfect as he could make them in the law and the facts of each case. For they were to be delivered not by himself, but by his client; they were written in the first person for that client's own lips; and therefore he conceived that the style and the character of the speech should be in keeping with the station and nature of the man who was to speak it. Strange as it may seem to us, Lysias was the first speech-writer to appreciate the necessity of suiting the speech to the speaker. Before his day, speeches generally bore the same stamp; they were struck out, so to speak, according to a set pattern, they conformed to certain fixed principles of argumentation, and they were decorated with all the finest flowers of rhetoric.<sup>81</sup> The law did not require that the speech should be the genuine composition of the speaker, and early juries did not expect that it would be in keeping with his character. But Lysias saw the intrinsic

<sup>81</sup> Jebb, *ibid.* p. 164.

absurdity of such a system of cut-and-dried speech-writing, and he abandoned it altogether. His method was to study his client's character quite as carefully as his client's case, and to bring out that character in the speech which he put into the client's mouth. He threw aside the mould in which the earlier speech-writers were accustomed to fashion all their productions, and by suiting the speech to the speaker he composed a work not only more admirable from the point of view of literary art, but also better calculated to bring before the judges the actual circumstances, needs and just claims of the individual who was addressing them. The judges seemed to see and to hear the same man, instead of seeing one man and hearing the words of another. Lysias, then, wrote for a client so that he should have, as Jebb puts it, the whole advantage of professional aid while he appeared to be entirely without such aid.<sup>82</sup> The speeches of Lysias differ from each other as much as did the natures of the men for whom he wrote, and yet they are still alike in one particular: they contain scarcely any of the earlier florid eloquence and poetical ornamentation, but are written in the sober prose of ordinary life. Hence Lysias is the type (and the best type) of the class of orators who composed in what is called the Plain Style (*iσχνὸν γένος*, *genus tenuis*).<sup>83</sup>

**27.** This suiting of the speech to the speaker is the great discovery and distinction of Lysias, and it is the best evidence of his genius. In close connexion with it, and indeed growing out of his close study of the nature of his clients, stands another of his special points of excellence. This is his success in the *delineation of character* (*ὑθοποιία*), whether of the speaker or of

<sup>82</sup> Jebb, *ibid.* p. 164.

*nus dicendi tenuis des Redners Lysias;*

<sup>83</sup> On the Plain Style, see Blass, *ibid.* p. 160 ff.; Berbig, *Ueber das ge-*

other parties in a suit. As Dionysius in substance says<sup>84</sup> : “Lysias proved himself the superior of all other orators in perception of human nature, and in assigning to each individual his appropriate emotions, characteristics, and actions. And therefore I accord to him the highest praise for his talent and skill in the employment of *ethopoia*, as I can find no character in his works poorly delineated or lifeless. Excelling in the treatment of those features in which *ethopoia* appears, namely, in thought, language and style, he not only lends to his clients the sentiments which are proper and useful and moderate, so that their speeches seem to be portraits of their characters, but also places in their mouths language which is both appropriate and clear, literal and popular. For lofty, strange, and studied terms ill befit true character-painting. Furthermore, his style of composition is plain and simple, for he recognized that the natural home of *ethos* is not in the periodic or rhythmic style, but ἐν τῇ διαλελυμένῃ λέξει. In every respect, Lysias’ style is pleasing and persuasive, and it is so natural and easy, without any appearance of effort or of art, that I should not be surprised if laymen—yes, and even many scholars themselves—thought the result to have been reached without study and without the use of rhetorical methods.”<sup>85</sup> And in another chapter<sup>86</sup> Dionysius says in effect : “Of *ethos*, Lysias made most skilful use ; for frequently by reference to his client’s past life and actions, to his character and habits, he portrays him as worthy of confidence and respect. When his life affords no opportunity for this method of treatment, Lysias himself makes up such a character for his client that he is deemed entirely trustworthy. For he represents his conduct

<sup>84</sup> I use (with a few slight changes) the paraphrase by Devries in his interesting and scholarly *Ethopoia*: A *Rhetorical Study of the Types of Char-*

acter in the *Orations of Lysias*. Baltimore, 1892. From this treatise I have derived much assistance.

<sup>85</sup> Dion. H. § 7 f.

<sup>86</sup> § 19.

as polite and graceful and modest, and makes him use language befitting such conduct. His client is always distressed at injustice and is always endeavouring to act with justice. The orator does not fail to introduce every detail that will serve these ends."

**28.** Such are the views of the Greek critic on Lysias' skill in *ethopoia*. Even from the few orations contained in this volume we can see what his power was in this direction. How different are the pictures and how each stands out distinct from its own canvas! What a contrast between Mantitheus,<sup>87</sup> the brilliant, open-hearted, ambitious young patriot, and Philon,<sup>88</sup> the cowardly selfish miscreant who sacrifices his family and his country alike to his own interests! Compare the honest, straight-forward yeoman of the Olive Tree case<sup>89</sup> and the affected, over-clever Cripple<sup>90</sup> with his impudent wit. The accuser of Philon is a dignified senator, coming forward, like the prosecutor of the Grain-Dealers,<sup>91</sup> from a sense of the duty which he owes to the State; and if his language is somewhat more rhetorical than that of other clients of Lysias, this is only natural to his position.<sup>92</sup> On the other hand, the defendant in the Twenty-third oration is represented as a mere adventurer, posing as a citizen, but really belonging to the lowest class in the commonwealth.<sup>93</sup> Finally, in the Thirty-second oration we find three characters so clearly and successfully drawn that they are as real to the reader as are any of the personages in the pages of the great masters of English fiction. There is the speaker, naïve and full of kindly sympathy for the widow and orphans, but animated by a just bitterness against the dishonest guardian<sup>94</sup>; the widow, a noble and pathetic creature, who, like a

<sup>87</sup> Or. xvi. See Devries, p. 18 ff.

<sup>91</sup> Or. xxii.

<sup>88</sup> Or. xxxi. See Devries, p. 28.

<sup>92</sup> See below, p. 135, and Devries,

<sup>89</sup> Or. vii. See Devries, p. 33.

<sup>93</sup> See Devries, p. 42.

<sup>90</sup> Or. xxiv. See Devries, p. 34 ff.

<sup>94</sup> *Ibid.* p. 34.

true woman, breaks down (for her children's sake, not for her own) all the barriers of convention behind which the women of her day were wont to live<sup>95</sup>; and Diogiton himself, unnatural father, cruel guardian, gibbeted forever on the page of Lysias as one of the meanest and most heartless men of that or any other day.<sup>96</sup>

**29.** Besides this excellence in *ἡθοποιία*, Dionysius selects and praises seven other characteristics of the style of Lysias, which may here be summarized. They are Purity, Simplicity, Clearness, Brevity, Vividness, Propriety, and Charm. The ancient critic calls Lysias pure in diction (*καθαρὸς τὴν ἐρμηνείαν*),<sup>97</sup> and the best model of Attic Greek in this respect; not, he adds, of the older Attic used by Plato and Thucydides, but of the Attic in common use in Lysias's own time. By the term 'Purity,' Dionysius means that Lysias does not use obsolete, strange or poetical words, and that he employs no constructions foreign to the idiom of his day.<sup>98</sup> Dionysius pronounces that no orator surpassed Lysias in Purity, and that only Isocrates even approached him. The second quality, Simplicity,<sup>99</sup> consists in the expression of the thought by means of ordinary words used in their ordinary sense. Lysias avoids all but the commonest figures of speech, and his metaphors are such as come unconsciously to the lips of the most uninstructed speaker. This literary attitude is perfectly suited, as Fuhr remarks,<sup>100</sup> to the circle in which his orations are confined. Unusual

<sup>95</sup> *Ibid.* p. 47 f.

<sup>96</sup> *Ibid.* p. 28.      <sup>97</sup> § 2.

<sup>98</sup> Blass, *ibid.* p. 407 f.; Jebb, *ibid.*

p. 168. About the only instance of older syntax noted in Lysias is the use of *τέ* as a simple conjunction; see on xxxi. 2. The somewhat rare and poetical words noted in Or. xxiv are perfectly in keeping with the tone of

mock elevation there. A few others are noted in Jebb, p. 169; Blass, p. 408 f.

<sup>99</sup> ή διὰ τῶν κυρίων τε καὶ κοινῶν καὶ ἐν μέσῳ κειμένων ὀνομάτων ἐκφέρουσα τὰ νοούμενα, Dion. H. § 3. See Blass, *ibid.* p. 409 f.; Jebb, *ibid.* p. 169 f.

<sup>100</sup> In the introduction to his revision of Rauchenstein's edition, p. 8.

metaphors and, in general, figures of speech belong to the higher style of public oratory, although even here the great master Demosthenes is sparing in his use of them. They are entirely out of place in everyday lawsuits, the parties to which are ordinary citizens.<sup>101</sup> The earlier orators, in their choice of words, had recourse, in search of the sublime, to the language of poetry; Lysias found the way to a greater effect through the use of the commonest words, so combined, however, that often, when he seems to speak like the plainest citizen, he is in reality most artistic.

**30.** No writer, Dionysius goes on, has ever surpassed Lysias in Clearness (*σαφήνεια*).<sup>102</sup> Even those to whom his matter is strangest rarely find his expression obscure. In this he differs from Thucydides and even from Demosthenes; for in their writings it may often happen that we understand the subject with which they are dealing and yet find difficulties in apprehending their language. On the subject of the Brevity (*βραχύτης*) of Lysias, which is the fourth of the qualities selected by Dionysius,<sup>103</sup> we have a dictum of the Roman critic Favorinus,<sup>104</sup> who used to say: “if you take away or alter a single word in a passage of Lysias, no matter how carefully you go about it, you spoil the meaning of the passage.”<sup>105</sup> There are of course exceptions to this, as to all other generalizations, and some of them (due for instance to Lysias’s fondness for parallelism, symmetry, and synonymous expressions) are noted as they occur in the speeches.

<sup>101</sup> On Lysias’s use of figures, see Blass, *ibid.* p. 409 ff.; Jebb, *ibid.* p. 170 ff. For *paronomasia* and *homoeoteleuton*, see on XII. 78, and p. 135, note 19; *antithesis*, XXIV. 16, and p. 135, note 19; *chiasm*, XVI. 18, XXXI. 5, 12, 32; *synonymous phrases*, XVI. 13.

<sup>102</sup> § 4. See Jebb, *ibid.* p. 171.

<sup>103</sup> § 5. See Jebb, *ibid.* p. 171; Blass, *ibid.* p. 411.

<sup>104</sup> Second century A.D., the master of Gellius.

<sup>105</sup> Gell. ii. 5.

**31.** The fifth quality, Vividness (*ἐνάργεια*), Dionysius<sup>106</sup> defines as the power of making one's hearers see what is being described. He truly adds that nobody can be so dull of apprehension as not to believe that he has almost under his very eyes the scenes of Lysias's narratives and that he is associating with the personages introduced in them. A good test of the truth of this saying is the description of Lysias's own arrest by the Thirty and his escape from their clutches<sup>107</sup>; or the scene in the oration against Diogiton where the mother of the boys upbraids her father for his heartlessness.<sup>108</sup> The quality of Propriety (*τὸ πρέπον*)<sup>109</sup> differs from *ἡθοποιία* in that the latter is the delineation of the character proper to the speaker or to a personage in his speech; while Propriety is a wider term, denoting the proper adaptation of the speech to all the circumstances. These of course differ with every case, and in the different parts of a speech Propriety will call for a change of tone to accord with the station of the different persons addressed, whether judges, opponent, audience, bystanders, friends or foes in general. In this quality Dionysius is of opinion that Lysias was never excelled.

**32.** There remains finally the quality which Dionysius<sup>110</sup> calls the best and the most characteristic of the style of Lysias,—a crowning excellence wherein he surpassed all the other great orators. This is a kind of Charm which lies efflorescent upon all his language (*χάρις τις πᾶσιν ἐπανθοῦσα τοῖς ὄνόμασι*). It cannot be analyzed, says Dionysius, any more than one can analyze the true essence of physical beauty, the delight of harmony, or the delicacy of rhythm. These are all qualities to be appreciated by the aesthetic sensibilities, not to be explained

<sup>106</sup> § 7. See Jebb, *ibid.* p. 172 f.

<sup>109</sup> § 9. See Jebb, *ibid.* p. 176.

<sup>107</sup> Cf. xii. 8–16.

<sup>110</sup> § 10–12. See Blass, *ibid.* p.

<sup>108</sup> Cf. xxxii. 12–18.

397 f.; Jebb, *ibid.* p. 176 ff.

by rational analysis. The ancient critic does not attempt to define more closely the Charm of Lysias. He only tells us that when all other means fail in determining the authenticity of a speech attributed to this orator, he applies to it the test of this surpassing distinction. If the Charm is there, the speech is genuine ; but if the language has not the distinctive mark of sweetness and loveliness (*ἔὰν δὲ μηδεμίαν ἡδονὴν μηδὲ ἀφροδίτην ὁ τῆς λέξεως χαρακτήρ ἔχῃ*), the work is to be rejected. It is evident that such a fleeting quality as this can hardly be felt in its fulness by the modern scholar who has not at hand, for purposes of study and comparison, the countless ancient works which, familiar to Dionysius, are now altogether lost. We can feel that Lysias is simple and clear, brief, vigorous and active ; seldom dry or monotonous ; almost always alive and sprightly. We can see in his language the speech of everyday life and the literary idiom most happily combined. But not any one nor all of these qualities were what Dionysius meant by the Charm. We must take the word of the great critic that it is there, and endeavour by constant reading and re-reading to gain some appreciation of its nature.

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## WORKS OF LYSIAS.

[*AUTHORITIES.* Blass, *Attische Beredsamkeit*, I, p. 353 ff.; Sittl, *Geschichte der Griechischen Litteratur*, II, p. 143 ff.; Jebb, *Attic Orators*, I, p. 199 ff.; Mahaffy, *History of Classical Greek Literature*, II, i. p. 143 ff. See also above, at the head of § 15.]

**33.** The career of Lysias as a speech-writer lies, as has been said, between the years 403 and 380 B.C. In these twenty-three years, his industry and reputation in his profession must have been of the greatest ; for he wrote at least double the number of

speeches attributed to any other Attic orator.<sup>111</sup> In explanation of his fertility, Blass observes that Lysias, being a metic, was debarred from the public business which demanded much of the time of men like Demosthenes and Hyperides; and that in his day there were fewer men engaged in his profession than in the time of the later orators; further, that his younger contemporary and principal rival, Isocrates, was much occupied in teaching rhetoric in his school. This is all true enough. But it would be unfair to the fame of Lysias to suppose that such negative reasons for his preëminence in production are the only ones that existed. It is far more natural to believe that his speeches had the reputation of being the best that could be had; and the remarkable art with which he suited the speech to the character of the speaker must have been as highly appreciated by his contemporaries as it is by us. His misfortunes under the Thirty, the generous part which he had played during the exile of the patriots, and his public appearance against Eratosthenes, all no doubt commended him to the people at large; while his relations with a certain class of men of education and literary tastes, so evident from the allusions to him in Plato, may naturally have led them to apply to him in case of need. And the tradition that he failed in but one suit,<sup>112</sup> exaggerated though it may be, is yet exactly the sort of story that one expects to find told of the favourite counsel of the day.

**34.** As time went on, it was only natural that many speeches were attributed to Lysias which were not his genuine works. Any good speech which bore the stamp of the Plain Style was, in a loose way, supposed to be his. Nothing, apparently, was done to sift out his real works from the spurious before the recensions of Caecilius and of Dionysius of Halicarnassus,

<sup>111</sup> See Blass, *ibid.* p. 353; Jebb, *ibid.* p. 152.

<sup>112</sup> Ps.-Plut. § 10.

rhetoricians of the Augustan age.<sup>113</sup> They found 425 works attributed to him, but they threw out 192 as spurious, retaining 233 as genuine.<sup>114</sup> Of the 425, we know 172 by title or from fragments, or by the preservation of them entire.<sup>115</sup> Of these 172, there are extant 31 complete orations in the Palatine manuscript,<sup>116</sup> large fragments of three other orations which were quoted by Dionysius as examples of the art of Lysias, and the *Eroticus* or speech on Love, found in the *Phaedrus* of Plato. Of the remaining 137, we have only fragments or merely the titles, but even these show marvellously well the varied business which occupied Athenian speech-writers.

**35.** The thirty-one orations preserved in the Palatine manuscript seem to have been selected from a complete edition of the works of Lysias. They fall into three divisions.<sup>117</sup> The first consists of the first oration, spoken in a murder trial, and the second, the spurious funeral oration. The latter and the *Olympiacus* are the only two *epideictic* or ‘show’ pieces which we have under the name of Lysias. The orations in the second division (III to XI inclusive) seem to be arranged with reference to the kind of case for which they were written. Thus, the third and fourth orations are on wounding with murderous intent; the fifth, sixth and seventh are on sacrilege; the eighth to the eleventh inclusive (except the eighth which has found its way here accidentally) were written for libel suits. The orations in the third division (XII to XXXI inclusive)

<sup>113</sup> On them, see Jebb, *ibid.* p. lxiv. ff.

<sup>114</sup> It is not known whether Dionysius or Caecilius first fixed upon this number. The ancient followers of both critics seem to have adopted it. Cf. Ps.-Plut. § 10; Phot.; Dion. H. §§ 17 and 12; Suidas (in whom the number 300 may be due to an error in writing the numeral τ' for σ'); Blass,

*ibid.* p. 355; Jebb, *ibid.* p. 199. Among the most famous of the spurious works was the *Defence of Socrates*; see Blass, p. 351; Jebb, p. 153.

<sup>115</sup> For a complete list, see Blass, *ibid.* pp. 357–375.

<sup>116</sup> See Appendix I A, MANUSCRIPTS.

<sup>117</sup> See Blass, *ibid.* p. 377 ff.; Jebb, *ibid.* p. 201.

cannot be classified, but may have been selected by the compiler each for its individual interest. Of these thirty-one speeches, six certainly seem to be spurious, namely, orations II, VI, VIII, IX, XI, XX; and orations XIV and XV probably fall under this category.<sup>118</sup> Hence there are twenty-six orations (twenty-three in the manuscript and three in Dionysius) which are now commonly received as genuine works of Lysias. The subjects of these speeches call for brief consideration here.

**36.** Twenty-four of the twenty-six speeches were written for delivery in court (*λόγοι δικανικοί*) and fall into two classes: speeches intended for public and speeches for private causes. This classification depends upon the ground of complaint (*ἔγκλημα*). If this ground was an offence against the State, the action was a public action (*ἀγών δημόσιος* or *δίκη δημοσίᾳ*, or simply *γραφή*); if it lay in an offence against an individual, the action was a private action (*ἀγών ἴδιος* or *δίκη ἴδιᾳ*, or simply *δίκη*).<sup>119</sup> The term public action naturally covers a wide field, for the interests of the State are widespread. The speeches of Lysias which fall under this head were written for the actual litigants or for public prosecutors (*συνήγοροι*).<sup>120</sup> This *συνήγορος* was a person chosen by the State to defend its interests, and he might of course engage the services of a speech-writer. As for private individuals, we have seen above that the law required them to plead their own causes; but there were natural exceptions to this rule. Such was the case of Miltiades, who was accused of treason when wounded and unable to speak for himself. He was brought into court on a litter and his brother was allowed to speak for him.<sup>121</sup> A similar case was that of

<sup>118</sup> For the grounds of rejection, see the treatment of each speech in Blass and Jebb.

<sup>119</sup> On this division, see Gilbert, *Antiq.* p. 404; M. and S. p. 191 ff.

<sup>120</sup> On *συνήγοροι*, public and private, see Smith, *Dict. Antiq.* s.v. *Synegorus*.

<sup>121</sup> Nepos, *Milt.* 7. His friends were his advocates, according to Hdt. vi, 136.

Isocrates, who was unable from illness to appear in court and was represented by his son. But even when a suitor was able to speak and had introduced his case himself, custom allowed a second or even a third speech to follow on the same side. The person who spoke such an additional speech was also called *συνήγορος*, and out of him, rather than out of the *λογογράφος*, developed the modern lawyer. For the actual suitor, after the briefest introduction, might practically disappear from the case, leaving the real speech to be made by his *συνήγορος*. According to the law, this private *συνήγορος* or advocate could receive no pay from the suitor : he was supposed to be no more than a kinsman or friend who spoke simply out of sympathy, and his speech usually began with an explanation of the personal interest which led him to appear.<sup>122</sup> In the generation after Lysias, such private advocacy was often paid for,<sup>123</sup> — under the rose indeed, and subject to the risk of legal penalties.<sup>124</sup>

**37.** The public orations of Lysias, therefore, were written for the real suitors, or for *συνήγοροι*, public or private. Among them we find cases in which the alleged offence was committed directly against the State, such as embezzlement of the public funds<sup>125</sup> or such misconduct in office as would be made the subject of inquiry at the *εὑθυναι*.<sup>126</sup> An offence against the people as a whole was the attempt of the Corn-Ring to buy up a large quantity of grain at a low price, to hold it until the supply in the market was small, and then to sell it at a large advance. There were stringent laws against such speculation.<sup>127</sup> Other public causes related to claims for moneys due the Treasury or to confiscations<sup>128</sup>; another class consisted of cases

<sup>122</sup> Cf. Or. xxxii.

<sup>125</sup> Or. xxviii., xxix.

<sup>123</sup> Cf. Lycurg. *Leocr.* 138.

<sup>126</sup> Or. xii., xxi., xxvii.; cf. xxx., an

<sup>124</sup> Cf. [Dem.] xlvi. 26. For the similar law in Rome, see Smith, *Dict. Antiq.* s.v. *Lex Cincia*.

*εἰσαγγελία* for neglect to come up for the *εὑθυναι*.<sup>127</sup> See on Or. xxii.

<sup>128</sup> Or. xviii., xix.

against persons accused of sacrilege or impiety against the State religion.<sup>129</sup> We have also five speeches either for or against candidates undergoing examination for office, the *δοκιμασία*.<sup>130</sup> Again, in murder cases and in assaults with intent to wound, the State was the offended party, as it is to-day. We have already noticed the speech against Eratosthenes<sup>131</sup> at his *εὐθυναι*. Closely connected with this case is that of the villainous informer Agoratus, who had lived five years in Athens, plying his infamous trade.<sup>132</sup> A case of a different sort is the charge brought against a man of the middle class who had killed his wife's lover.<sup>133</sup> This speech is very valuable to us because it vividly illustrates the manner of life in a small Athenian household where only one servant was kept. We have a full description of the house and the housekeeping. The accused, for whom Lysias wrote the speech in question, gives an interesting picture of the position of a woman of the *bourgeois* class. Speaking as though he considered himself a pattern for all husbands to follow, he says :

“The way I treated my wife was this: I tried not to disoblige her when she wanted to do anything, and not to be under her thumb, either. I kept my eye on her all I could, and gave all reasonable attention to her. When she had borne me a child, I gave her my confidence and all my household to look after. This was my notion of matrimony. Now at first, Athenians, she was just the best wife that ever lived; she was a mighty good provider, didn’t waste things, and kept house very shrewdly. But my mother died, more’s the pity, and her death was the beginning of all my troubles. My wife went to the funeral, and there that man caught sight of her.”<sup>134</sup>

<sup>129</sup> Or. v, vii.

<sup>132</sup> Or. XIII.

<sup>130</sup> Or. XVI, XXIV, XXV, XXVI, XXXI.

<sup>133</sup> Or. I.

<sup>131</sup> See § 19.

<sup>134</sup> Cf. I. 6 f.

**38.** We have only four speeches written by Lysias for private actions, but the suits, fortunately, were all different in subject. One was an action for libel, brought by a man who had been publicly called a parricide.<sup>135</sup> Another was laid by a ward against his guardian, for mal-administration of the trust estate.<sup>136</sup> The third was written for the trial of a disputed claim to property,<sup>137</sup> and in the fourth a man is accused of claiming, unlawfully, the right to citizenship.<sup>138</sup>

**39.** Twenty-four of the twenty-six speeches of Lysias have now been considered. Two remain, his only extant works which were not written for the law-courts. One of them was composed for a citizen to deliver in the Assembly (*λόγος δημητορικός*), at a time shortly after the fall of the Thirty, when there was a question of changing the constitution of Athens by restricting the franchise to owners of real estate.<sup>139</sup> The other was the Olympic oration, a ‘show piece’ (*λόγος ἐπιδεικτικός*), which we have already examined.<sup>140</sup>

**40.** Among the fragments of Lysias’s works are the remains of a few letters, which are, all except one, of an erotic nature. Indeed, he first gave the letter its place among the forms of literature.<sup>141</sup> Further, the youthful Phaedrus, in Plato’s dialogue of that name, reads to Socrates a discourse on Love, which is, he says, the composition of Lysias. Socrates proceeds to criticise the discourse, much to its discredit. Although the ancient critics accepted the work as the genuine production of Lysias, the question of its authenticity has been much debated by modern scholars; still, the prevailing view now ascribes it to the orator.<sup>142</sup> With such sophist writings, however, the young student of Attic Oratory is but little

<sup>135</sup> Or. x.

<sup>136</sup> Or. xxxii.

<sup>141</sup> See Sittl, *Gr. Literaturgeschichte*, II, p. 144.

<sup>137</sup> Or. xvii.

<sup>138</sup> Or. xxiii.

<sup>142</sup> Blass, *ibid.* p. 424 ff.; Jebb, *ibid.* p. 305 ff.

<sup>139</sup> Or. xxxiv. See above, § 22.

<sup>140</sup> See above, § 23.



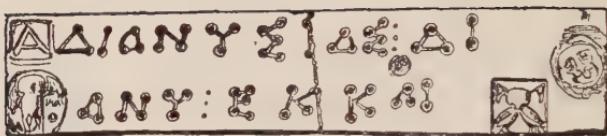


Fig. 1.

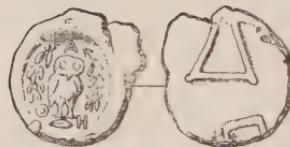


Fig. 2.

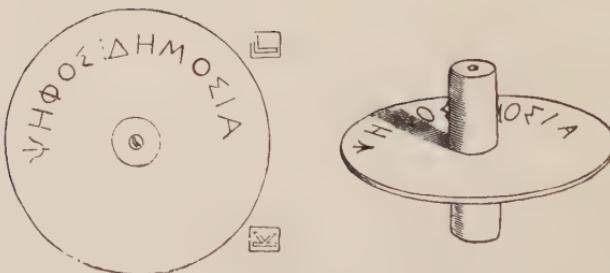


Fig. 3

concerned. The object of these pages has been to present Lysias as a man of action and as an exponent of Athenian life. Our brief examination of the contents of his works may have sufficed to show what a great treasure-house of facts we have in them. One might almost say that the writings of no other Greek author, except Aristophanes, are so rich in material for the fascinating study of the everyday manners and customs of Athenian antiquity.

### PROCEDURE IN HELIASTIC COURTS.

[*AUTHORITIES.* Ancient: Aristotle, *Resp. Ath.* 63 ff. Modern: Meier and Schoemann, *Der Attische Process*, p. 769 ff.; Gilbert, *Constitutional Antiquities of Athens and Sparta*, English translation, p. 376 f.; Hermann, *Staatsaltertümer*, p. 538 ff.]

**41.** Almost all Athenian law cases of any importance,<sup>143</sup> except those concerning murder and homicide,<sup>144</sup> were, unless settled by arbitration,<sup>145</sup> tried in the Heliastic courts. For these courts, jurors (*ἡλιασταί* or *δικασταί*), frequently called in English *judges* or *dicasts*, were selected annually and formed a body known as the *ἡλιατά*, which was presided over by the thesmothetae or six junior archons. In the fifth century B.C., the whole number of the jurors chosen each year was six thousand. But after the archonship of Euclides (403 B.C.), when the judicature was reorganized, the number did not exceed five thousand. Any Athenian citizen over thirty years of age and in full possession of civil rights (*i.e.* not suffering

<sup>143</sup> The judges of the demes (see on **xxiii. 2**) decided cases involving sums of less than ten drachmae.

<sup>144</sup> These crimes were tried in special courts, not here described, as none of

the orations in this volume have to do with such cases. For an account of such courts, see Gilbert, *Antiq.* p. 379 ff.; M. and S. p. 11 ff.

<sup>145</sup> See on **xxxii. 2**.

*ἀτιμία*<sup>146</sup>) might be enrolled as a juror. On entrance into this office he took an oath, the exact form of which is unknown, though it probably ran somewhat as follows:—

ψηφιοῦμαι κατὰ τοὺς νόμους καὶ τὰ ψηφίσματα τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς τῶν πεντακοσίων, περὶ δ' ὃν ἀν νόμοι μὴ ὁσι, γνώμη τῇ δικαιοτάτῃ καὶ οὕτε χάριτος ἐνεκ' οὐτ' ἔχθρας. καὶ ψηφιοῦμαι περὶ αὐτῶν ὃν ἡ δίωξις ἡ (*I will give my verdict on the actual facts concerned in the prosecution*). καὶ ἀκροάσομαι τῶν τε κατηγορούντων καὶ τῶν ἀπολογουμένων ὅμοιώς ἀμφοῦν. ὅμνυμι ταῦτα νὴ τὸν Δία, νὴ τὸν Ἀπόλλωνα, νὴ τὴν Δήμητρα, καὶ εἴη μέν μοι εὐρκοῦντι πολλὰ καὶ ἀγαθά, ἐπιορκοῦντι δὲξώλεια αὐτῷ τε καὶ γένει.<sup>147</sup>

**42.** The whole number of six or five thousand jurymen rarely, if ever, sat together in any one case. The number employed varied according to the importance of the suit or the value of the property involved.<sup>i</sup> No case is known to us on which less than 200 jurors sat, and we find courts consisting of 400, 500, 1000, 2000,<sup>148</sup> and 2500 jurymen mentioned in the authours. In order to avoid a tie, an extra man seems generally to have been added to these round numbers. The whole body of jurors was divided for the year into ten sections, designated by the letters of the alphabet from A to K, each section, in the fourth century, containing members from all the tribes. Each juror was given a ticket or token (*πινάκιον*) made of boxwood or of bronze, inscribed with his own name, the name of his father, the name of his deme and the letter denoting his section.<sup>149</sup> There were ten different court-rooms, and the ten

<sup>146</sup> See below, § 51.

<sup>147</sup> As reconstituted by Fränkel, *Hermes*, XIII, p. 452 ff. See also Gilbert, *Antiq.* p. 392; M. and S. p. 152 ff.; and below, on xxii. 7.

<sup>148</sup> Cf. Lys. XIII. 35.

<sup>149</sup> On the *πινάκια* in general, with references to specail writings, see Gilbert, *Antiq.* p. 397, and Sandys on Arist. *Resp. Ath.* 63. 4. For the inscriptions on extant *πινάκια*, see CIA. II, 875-940. The bronze *πινάκιον* illus-

sections were allotted among these by lots drawn on the days of trials. This was the practice at least during the Peloponnesian War; but in the time of Aristotle, though the sections were retained, the jurors were allotted<sup>150</sup> individually, and not by sections, among the different court-rooms. We cannot determine which of these methods was followed in the time of Lysias's forensic activity.

**43.** Early in the morning of each day on which the courts were to be held<sup>151</sup> the Heliasts assembled, presented their *πινάκια*, and were assigned by lot (whether in sections or individually) to the different courts in which they were to sit in judgment on that day: Each court had its own name,<sup>152</sup> and was further distinguished by the colour of the lintel of its door. Each juryman, on being assigned to a court, was given a staff or bâton (*βακτηρία*) of the colour of the court into which he was to go. With this in hand he proceeded to his court, and on entering gave up his staff and received a sort of counter (*σύμβολον*<sup>153</sup>), which he was obliged to show at the end of the day in order to obtain his fee of three obols.

trated (actual size) in Fig. 1 (opp. p. xlivi) is taken from *Annuaire de l'Association pour l'encouragement des Études Grecques*, XII (1878), p. 206, where it was first published. The inscription runs: Διονύσιος Διονυ (sc. στον) ἐκ Κοτ (sc. λης). The letter of the section, A, stands in the upper left-hand corner; below it is an owl between the letters A and Θ (for 'Αθηναῖον). On the right is a gorgon's head, and below it the bodies of two owls with a single head between A and A.

<sup>150</sup> For the complicated method by which they were allotted, see Arist. *Resp. Ath.* 63 ff., and Gilbert, *Antiq.* p. 397 ff.

<sup>151</sup> Courts ordinarily sat daily except on festivals and unlucky days; Gilbert, *Antiq.* p. 403.

<sup>152</sup> For the names, see Gilbert, *ibid.* p. 396.

<sup>153</sup> For the *σύμβολον*, cf. Arist. *Resp. Ath.* col. 32, 13 ff., and see Benndorf in *Zeitschr. für österr. Gymnasialw.* XXVI, 1875, p. 601. Such a *σύμβολον* is illustrated (actual size) in Fig. 2 (opp. p. xlivi), taken from the *Monumenti Inediti*, VIII, tav. 32. The original is of lead, and has on one side the owl and olive-branch (as represented on the three-obol piece) and the abbreviation ΑΘΗ, on the other the letter of the section.

**44.** The furniture of the courts was simple. In each stood a statue of the hero Lycus, of whom little is known save that he was, so to speak, the patron saint of the dicasts. The court was enclosed by railings (*δρύφακτος*), which the public were allowed to approach unless cases involving the religious Mysteries were being tried. Within the railings were wooden benches for the jury. In the fourth century there was a platform or tribune (*βῆμα*<sup>154</sup>) for the presiding magistrate, as well as one for each of the parties to the suit, and one for speakers and witnesses. A water-clock (*κλεψύδρα*) also stood in the court; for, in certain kinds of cases, the time allowed for speeches was limited.<sup>155</sup> There was, too, a table on which stood the voting-urns, to be described below.<sup>156</sup>

**45.** The general division of law-suits (*δίκαι*, the generic term) into public (*γραφαί*) and private (*δίκαι*, in the narrower sense) has already been mentioned.<sup>157</sup> Suits were also classed as *δίκαι κατά τινος* or *πρός τινα*. In the former, the court was asked to punish a defendant for some personal infraction of the laws; in the latter, to decide a question of legal right or title as between two parties. Further, every suit was either an *ἀγών ἀτίμητος* or an *ἀγών τιμητός*. In an *ἀγών ἀτίμητος* the proper penalty (*τίμημα*) was known beforehand, being fixed by law.<sup>158</sup> In an *ἀγών τιμητός*, the jury, if it found the defendant guilty, had next to proceed to determine what penalty he ought to suffer or to pay (*ὅ τι χρὴ παθεῖν ή ἀποτεῖσαι*<sup>159</sup>). In such a suit the plaintiff (*ὁ διώκων* or *κατήγορος*) proposed a penalty (*τιμᾶσθαι τῷ φεύγοντι*), the defendant (*ὁ φεύγων*) another (*ἀντιτιμᾶσθαι*),

<sup>154</sup> See on XII. 24.

<sup>157</sup> See above, § 36.

<sup>155</sup> For the clock, see on XXIII. 4, and M. and S. p. 927 ff.; Sandys on Arist. *Resp. Ath.* col. 34 f.

<sup>158</sup> As in the Olive-Tree and Corn-law cases; see pp. 4 and 92.

<sup>156</sup> See p. li.

<sup>159</sup> Cf. Plat. *Apol.* 36 B; Arist. *Resp. Ath.* col. 35, 21 f.

and the jury appear to have been obliged to choose between these two.<sup>160</sup>

**46.** The actual course of an ordinary law-suit, whether public or private, may now be considered.<sup>161</sup> First the plaintiff summoned (*προσκαλεῖσθαι*<sup>162</sup>) the defendant to appear before that magistrate whose duty it was to receive a charge of the sort which was to be made. Thus, Diogiton was summoned before the first archon<sup>163</sup>; the defendant in the Olive-Tree case, before the archon *βασιλεύς*<sup>164</sup>; Panceleon, before the third archon, the Polemarch.<sup>165</sup> The magistrate entitled to receive the charges was said to have *ἡγεμονία δικαστηρίου*,<sup>166</sup> — that is, the direction of all the proceedings which followed, including the duty of presiding in the court on the day of the trial. The summons (*πρόσκλησις*) before the magistrate had to be made in the presence of witnesses, generally two, called *κλητῆρες*.<sup>167</sup> At the same time the plaintiff named the day on which he wished the defendant to appear. On or before this day,<sup>168</sup> the plaintiff presented to the magistrate his written indictment (*ληξίς* or *ἔγκλημα*<sup>169</sup>), thus lodging his suit (*δίκην λαχεῖν*<sup>170</sup>).

<sup>160</sup> It has been thought that the jury were not thus bound, but that they might inflict a punishment of their own choosing. But cf. Arist. *Resp.* *Ath.* col. 36, 35 ff.; and see M. and S. p. 216 ff.; Gilbert, *ibid.* pp. 405, 413.

<sup>161</sup> In general, see M. and S. p. 769 ff.; Gilbert, *ibid.* p. 406 ff.

<sup>162</sup> Cf. xxiii. 2.

<sup>163</sup> See p. 152.

<sup>164</sup> See p. 4.

<sup>165</sup> See p. 105.

<sup>166</sup> See Gilbert, *ibid.* p. 376, and below, p. 75, note 12. This magistrate was sometimes termed *εἰσαγωγέας*, as he brought the case into court (*εἰσάγειν*) after the preliminary investigation; see M. and S. p. 45.

<sup>167</sup> See on xxiii. 2. In certain cases no summons was required, as in the *ἐφήγησις* (see on vii. 22) and the *εἰσαγγελία* (cf. xvi. 12, xxxi. 26, and see p. 92). The latter was a denunciation made before the Senate or the Assembly, and it might result in a trial before a Heliastic court.

<sup>168</sup> See M. and S. p. 794, note 111.

<sup>169</sup> In public suits the term *ἀπογραφή* was sometimes used. See on vii. 2 and M. and S. p. 303.

<sup>170</sup> This phrase probably originated in the drawing of lots to determine the order in which suits should come up for investigation.

On the day appointed at the summons, the magistrate announced to the parties whether the suit was or was not *εἰσαγώγιμος*,<sup>171</sup> — that is, whether it was in his jurisdiction, and laid in the proper form. Next, if he accepted the suit, he fixed a day for the preliminary investigation (*ἀνάκρισις*), and the plaintiff or both parties (according as the suit was public or private) were required to pay the court fees (*πρυτανεῖα*<sup>172</sup>). The magistrate, while awaiting the *ἀνάκρισις*, posted the charge in some public place. The following is an example of a charge:—

'Απολλόδωρος Πασίωνος Ἀχαρνεὺς Στεφάνῳ Μενεκλέους Ἀχαρνεῖ ψευδομαρτυριῶν, τίμημα τάλαντον. τὰ ψευδῆ μου κατεμαρτύρησε Στέφανος μαρτυρήσας τὰ ἐν τῷ γραμματείῳ γεγραμμένα.<sup>173</sup>

The defendant's answer (*ἀντιγραφή*<sup>174</sup>) had also to be in writing. To the particular charge just quoted it was as follows:—

τάληθη ἐμαρτύρησα μαρτυρήσας τὰ ἐν τῷ γραμματείῳ γεγραμμένα.

**47.** At the *ἀνάκρισις*, the written statements of each party were confirmed by them under oath (the *διωμοσία* or *ἀντωμοσία*<sup>175</sup>). Then the defendant might put in any objections which he chose to raise to the admissibility of the suit. He might do this, for instance, by a *παραγραφή*<sup>176</sup> or by the *διαμαρτυρία*.<sup>177</sup> If he raised no objection, the *ἀνάκρισις* proceeded. Both sides brought forward all the evidence which they had to offer, whether consisting of laws, decrees, documents of any sort, witnesses with oral testimony or affidavits taken by commissioners, as well as the evidence of slaves, given under the torture.<sup>178</sup> The whole body of evidence, reduced to writing,

<sup>171</sup> See p. 105 and on xxiii. 5.

<sup>175</sup> See on xxiii. 13.

<sup>172</sup> See Gilbert, *ibid.* p. 407; M. and S. p. 799 ff.

<sup>176</sup> See p. 104.

<sup>178</sup> Cf. Dem. xlvi. 46.

<sup>177</sup> See on xxiii. 13, and Gilbert, *ibid.* p. 407.

<sup>174</sup> See below, p. 104, and M. and S. p. 830.

<sup>178</sup> See on vii. 34.

was then sealed up by the magistrate in a box called the *έχινος*, to be kept safely until the day of the trial.

**48.** At the actual trial, therefore, little remained to complete the case except the speeches on each side and the decision of the jury. The magistrate, the jurors assigned by lot, and the parties to the suit took their places,<sup>179</sup> and the proceedings began with sacrifice and a prayer led by the herald (*κῆρυξ*). The clerk (*γραμματεύς*) then read the charge and the answer to it. Next came the plaintiff's speech, followed by that of the defendant. In many suits, two speeches were allowed to each party, and these entirely aside from such speeches as might always be made by the *συνήγοροι*, whose function has been considered above.<sup>180</sup> Either party might question<sup>181</sup> his opponent, who was obliged by law to answer; but there was no oral examination or cross-examination of witnesses at the actual trial. In this respect Athenian procedure was obviously very different from ours. The evidence of the witnesses, given and written down at the *ἀνάκρισις*, was merely read aloud by the clerk at the time of the trial, the witness meanwhile standing on the *βῆμα* used by the speakers. After the reading, the witness acknowledged the evidence as his. Each party to the suit used every effort to influence the jury in his favour, often departing widely from the business in hand (*ἔξω τοῦ πράγματος λέγειν*) to call attention to his past services or to enlarge upon his present misfortunes; sometimes the suitor came into court with the suppliant olive branch (*ικετηρία*) in his hand; frequently he brought with him his children or other dependent members of his family in order to enlist the sympathy of the jurors. Even tears and lamentations were common enough, for

<sup>179</sup> If the defendant did not appear, he lost his suit by default (see on XXXII. 2); if the accuser was absent, the defendant was acquitted.

<sup>180</sup> See § 36.

<sup>181</sup> Cf. XII. 24, XXII. 5.

these and all such appeals to pity as have been mentioned were forbidden only in the Areopagus, where, too, the speaker was expected to keep closely to the real subject.<sup>182</sup>

**49.** After the speeches, the case was committed to the jury, who proceeded to vote. In the fifth century, the ballots used were muscle shells (*χοιρῖναι*), which were cast into one of two urns, according to the verdict which the juror wished to render. But in the time of the great orators, the ballot (*ψῆφος*) was a bronze disc, having an axis (called *αὐλίσκος*) running through its centre and protruding on either side. The form is well known from extant specimens.<sup>183</sup> Each juror was given two of these *ψῆφοι*, exactly alike except that in one the axis was solid (*ἡ πλήρης ψῆφος*), in the other perforated (*ἡ τετρυπημένη ψῆφος*). At the time of voting the herald proclaimed : “*ἡ τετρυπημένη τοῦ πρότερον λέγοντος, ἡ δὲ πλήρης τοῦ ὕστερον λέγοντος.*”<sup>184</sup> Hence (since the plaintiff spoke first), the perforated ballot denoted condemnation, and the solid ballot denoted acquittal. At the herald’s summons, the juror took his ballots one in each hand, holding them<sup>185</sup> (probably with

<sup>182</sup> See on vii. 42.

<sup>183</sup> See Fig. 3 (opp. p. xlivi). The *ψῆφος* there represented (inscribed *ψῆφος δημοσίᾳ*, with the letters K and Γ on the reverse) was found on the Pnyx in Athens in 1861, and was illustrated and described in the *Annali dell’ Inst. Archeol.* for that year by Rousopoulos; more fully by the same scholar in the *Αρχαιολογικὴ Εφημερὶς*, 1862, p. 305 ff., with an illustration of the actual size of the original. From this illustration Fig. 3 is taken, but is reduced one half in size. Rousopoulos describes, but does not illustrate, a second *ψῆφος*, exactly like the first except that its *αὐλίσκος* is solid. He also gives a description and an illustration of a third

*ψῆφος* made of clay, of rude late workmanship, considerably different in appearance from the first two. It could never have been used in the classical period in Athens. Yet Daremberg and Saglio, *Dict. Antiq.* III, Figs. 2515 and 2516, as well as Sandys, *Arist. Resp. Ath.*, frontispiece, publish both the first and the third *ψῆφος* without a word of the distinction which Rousopoulos carefully drew between them.

<sup>184</sup> Cf. *Arist. Resp. Ath.* col. 36, 14 ff.

<sup>185</sup> Arist. *ibid.* 16 ff. says: ὁ δὲ δικαστὴς . . . πιέζει τὸ μέσον τῆς ψῆφου, καὶ οὐ δεικνύων τοῖς ἀγωνιζομένοις οὔτε τὸ τετρυπημένον οὔτε τὸ πλήρες ἐμβάλλει τὴν μὲν κυρλαν εἰς τὸν χαλκοῦν ἀμφορέα, τὴν δὲ ἄκυρον εἰς τὸν ξύλινον.

finger and thumb pressing on the extremities of the axes) in such a manner as to allow no bystander to distinguish the πλήρης from the τετρυπημένη, and approached the voting-table. Here stood two large urns (*καδίσκοι* or *ἀμφορεῖς*), the one of bronze or copper, the other of wood. Into the former (called ὁ κύριος) the juror cast the ballot with which he wished to record his verdict; into the latter (ὁ ἄκυρος) he cast the other ballot. In this way a secret vote was assured; for nobody save the voter could tell which ballot was deposited in ὁ κύριος. After all had voted, the ballots in ὁ κύριος were counted by the presiding magistrate, and the verdict thus obtained was announced by the herald.<sup>186</sup> In case of a tie, the defendant won the suit. If the prosecutor in a public suit<sup>187</sup> did not receive one fifth of the votes, he was fined 1000 drachmae and suffered ἀτιμία to the extent of being debarred from ever again bringing a suit of the kind which he had lost. In many private suits, if the prosecutor did not obtain the required fifth (*τὸ πέμπτον μέρος*), he was fined the ἐπωβελία, — that is, he had to pay the defendant one obol in each drachma's worth (*i.e.* one-sixth of the value) of the property in dispute.<sup>188</sup>

**50.** After the verdict had been announced,<sup>189</sup> it was necessary, if the suit was *τιμητός*, for the jury to decide what the penalty should be (*τιμᾶν τῷ φεύγοντι*). In the fourth century, they did this, after hearing the proposals of each side, by balloting again in the manner just described. In the fifth century, each

<sup>186</sup> On the voting in general, *cf.* Arist. *Resp. Ath.* col. 35, 27 ff., and see M. and S. p. 934 ff.; Gilbert, *ibid.* p. 410 ff.

<sup>187</sup> But not in Olive-Tree suits; see on **VII. 37.**

<sup>188</sup> See pp. 104, 153, and M. and S. p. 947 ff.; Gilbert, p. 414.

<sup>189</sup> There was no actual appeal, in

our sense of the word, from the verdict of a Heliastic court. A sentence might be annulled if the condemned proved that he was the victim of false witness, or if he showed that he had lost the case by a default when he could not have avoided absence at the fixed time (see on **xxxii. 2.**)

juryman was given a wax tablet on which he drew a long line if he favoured the plaintiff's proposal, a short one if he favoured that of the defendant. This second part of a trial was called the *τιμησις*.

**51.** The ordinary punishment<sup>190</sup> in most suits consisted of a money fine. Fines were levied far oftener in Athenian cases than in ours, because imprisonment was rarely employed. In fact, our favourite penalty of imprisonment for a fixed period as a punishment for crime, was probably unknown in Athens. A man might be kept in the prison (there was only one in Athens<sup>191</sup>) until he had paid the fine fixed by a court; he might be imprisoned, in certain cases, while awaiting trial unless he could give the security of fellow-citizens; persons condemned to death, like Socrates, were imprisoned until execution; but all this is very different from our system. Even murderers awaiting trial might be allowed to go at large; for if a murderer was willing to leave the country and go into exile, the State felt that it was rid of a pollution at the cheapest possible rate. And it is to be noted that exile in antiquity meant far more than it does now. A Greek, outside of his own State, had practically no civil rights whatever; and unless he secured the protection of a citizen of the State to which he fled (a difficult matter for a criminal), the laws did not protect him and he was at the mercy of the men among whom he took up his abode. Such being the case, the Athenians naturally employed banishment as one of the severest penalties which could be inflicted upon criminals. The death penalty was also used. Besides fines (extending up to confiscation of property), there was also *ἀπιμία*. This word denoted the partial or total loss of the

<sup>190</sup> On punishments in general, see Gilbert, *ibid.* p. 414; M. and S. p. 956 ff.

<sup>191</sup> See M. and S. p. 83; Smith, *Dict. Antiq.* s.v. *Carcer*.

rights of citizenship. One form of *ἀτιμία* has already been described,<sup>192</sup> and others are mentioned in the introduction to the Twelfth oration.<sup>193</sup>

<sup>192</sup> See above, § 49.

<sup>193</sup> See below, p. 30, and on *ἀτιμία* in general, *cf.* And. I. 73 ff.



## ON THE SACRED OLIVE.

### INTRODUCTION.

THE olive was pre-eminent over all the productions of the Attic soil for the variety of its uses and for the interesting parts which it played in many departments of public and private life. From the wood, which was so hard as to be all but proof against water, worms, and even time itself, were made joists, oars, handles of various tools, and implements of peace and war. This same quality, together with the ease with which the wood took on a polish, made it an excellent material for graven images.<sup>1</sup> From the sprays and leaves were woven garlands to be worn at festivals or to be the crowns of victors. The fruit, both fresh and preserved, was eaten then as now. But the most highly prized of all its products was the oil. This was used for anointing, both in the baths and the palaestra<sup>2</sup>; jars of it were given to victorious athletes; it was burnt in the lamps; and finally it was indispensable in cooking and was constantly used as we use butter and lard.<sup>3</sup>

While the olive was thus to the Greek a necessity of life, to the Athenian it was his country's pride and an emblem of her patron goddess.<sup>4</sup> For Athens was held to be the native place of the olive, at least so far as Greece was concerned.<sup>5</sup> There in the Pandroseum<sup>6</sup> was preserved the first of all olives, planted by Athena herself when she contended for the city against Poseidon.<sup>7</sup> Close

<sup>1</sup> On the uses of the wood, cf. Blümner, *Technologie*, II, p. 280. In much of the introduction to this speech I have closely followed Frohberger.

<sup>2</sup> Hermann, *Privatalterthümer*, pp. 213, 281, 350. <sup>3</sup> *Ibid.* p. 228.

<sup>4</sup> Curtius, *Stadtgeschichte von Athen*, p. 12.

<sup>5</sup> Hdt. v. 82. But the olive came originally from the Orient; see Hehn, *Kulturpflanzen*, p. 89 ff.

<sup>6</sup> Harrison, *Mythology and Monuments of Athens*, p. 512.

<sup>7</sup> Hdt. viii. 55, and on the myths connected with the olive, Bötticher, *Baumkultus*, p. 423 ff.

at hand in the Erechtheum was the ancient olivewood statue of Athena Polias which fell from heaven.<sup>8</sup> As goddess of the olive, Athena had a special name, Σκιράς,<sup>9</sup> and a special form of worship,<sup>10</sup> and with her was associated Ζεὺς Μόρπος,<sup>11</sup> who had an altar in the Academy.<sup>12</sup> Here stood the group of twelve sacred olives<sup>13</sup> (*μορίαι*), propagated from the first tree, and in their turn the progenitors of the “olive grove of Academe” and of the numerous plantations throughout the country.

The soil of Attica was particularly well suited to the growth of the olive,<sup>14</sup> and the plain<sup>15</sup> of the Cephisus was the place in which the tree did best. This plain is bounded on the north by Parnes and Pentelicus, on the east by Hymettus, on the south by the sea, and on the west by Aegaleüs. Here olive culture was most remunerative.<sup>16</sup> The exportation of olives and oil, permitted by Solon though he forbade the exportation of other products,<sup>17</sup> was a most important part of Athenian trade and brought in a large income to the State.<sup>18</sup> In the Roman period it was the chief reliance of impoverished Athens,<sup>19</sup> and it is still among the valued items of the Greek revenue.<sup>20</sup> The great statesmen Solon and Pisistratus took pains to encourage the cultivation of the tree,<sup>21</sup> which, in spite of its extraordinary productive power—for it keeps spreading from scions springing from its own roots<sup>22</sup>—needed

<sup>8</sup> Harrison, *ibid.* p. 495.

<sup>9</sup> From γῆ σκιρᾶς, the soil in which the tree thrives, Mommsen, *Heortologie*, p. 54 f. Roscher, *Lexicon der Mythologie*, I, p. 683.

<sup>10</sup> Σκιροφορία, *ibid.*

<sup>11</sup> Soph. *O. C.* 705.

<sup>12</sup> Schol. *ibid.*

<sup>13</sup> Suid. *s.v.* Paus. i. 30. 2. Ar. *Nub.* 1005.

<sup>14</sup> “For Greece the olive zone begins south of the plains of Thessaly, as for Italy it begins south of the plains of Lombardy. The olive is found in Phthiotis and Magnesia; in Epeirus,

only on the sea-coast.” Jebb, Soph. *O. C.* 700.

<sup>15</sup> Bursian, *Geographie von Griechenland*, I, 264. <sup>16</sup> [Dem.] *XLIII.* 69.

<sup>17</sup> Plut. *Solon*, 24.

<sup>18</sup> Bötticher, *ibid.* p. 434.

<sup>19</sup> Hertzberg, *Griechenland unter den Römern*, pp. 317 f.

<sup>20</sup> Oil to the value of twenty million francs was made in Greece in 1875; Baedeker's *Greece*, p. xlvi.

<sup>21</sup> Mommsen, *ibid.* p. 56. Bötticher, *ibid.* p. 436.

<sup>22</sup> Bötticher, p. 423. Hence perhaps Soph. *O. C.* 698, φύτευμ' ἀχειρωτον

constant watching to prevent degeneration into the wild olive (*κότινος*).<sup>23</sup>

Just as in well-governed modern countries there are laws to protect forests from ignorant or wanton destruction, so in Athens laws were made to preserve the olive trees which were so essential to the prosperity of the country. Even of his own private olive trees (*ἰδιαι ἐλάαι*) a man was not allowed to cut down more than two in a year for his own use, on penalty of a fine of 200 drachmae for each tree.<sup>24</sup> But the law was much stricter in regard to the sacred olives (*μόριαι ἐλάαι*, more commonly *μορίαι*<sup>25</sup> alone), which were under the protection of Athena and Zeus, and from which were made the crowns and the oil given to the victors at the Panathenaic contests.<sup>26</sup> To uproot them was utterly forbidden, and even the ground immediately about them could not be planted with anything else for fear of interference with the growth of the olive.<sup>27</sup> The Areopagus had charge of all matters relating to these trees, and its special committee of *ἐπιγνώμονες*<sup>28</sup> inspected each tree annually. The produce of the trees was, in the time of Lysias, farmed out to contractors,<sup>29</sup>

*αὐτοποιόν*, although the second adj. may refer to the miraculous self-renewal of the olive in the Pandroseum after its burning by the Persians, Hdt. viii. 55; so Jebb.

<sup>23</sup> Theophr. *H. P.* ii. 3.

<sup>24</sup> Law in [Dem.] XLIII. 71. The procedure against such an offender was by *φάσις* or some analogous process; M. and S. p. 299; Boeckh, *Staatshaus-haltung der Athener*, I, p. 421.

<sup>25</sup> This word, originally an adj. and occurring as such in §§ 7 and 29, is accented throughout the speech as such by Frohberger and Thalheim. But it seems more likely that it was also used as a real subst., like *ὑπεροπλα*, XXXI. 8. This subst. we should write *μοριαι* (which indeed is the only accent found in codd. for it), not *μοριαι*. Hence in § 2

*μοριῶν*, but in § 29 *μορίων*. The etymology is very obscure. The ancients connected it with the death (*μόρος*) of Halirrhothius, son of Poseidon, who gave himself a mortal wound in trying to uproot Athena's sacred tree (Schol. Ar. *Nub.* 1005). Suidas connects it with *μεροπαι*, share, and explains that the trees were possessed in common by all Athenians. A modern idea, based on the same derivation, is that the *μοριαι* were all *parted*, or *propagated*, *μεμορημέναι*, from the original stock in the Acropolis. But the fact is that the origin of the name is lost in antiquity.

<sup>26</sup> Mommsen, *ibid.* p. 150 f. Arist. *Resp. Ath.* 60. Pind. *Nem.* x. 35.

<sup>27</sup> Lys. VII. 25.

<sup>28</sup> Lys. *ibid.* Harp. s.v. M. and S. p. 758. <sup>29</sup> Lys. VII. 2.

but later this practice was abandoned and the State collected annually about three-quarters of a pint<sup>30</sup> of oil for each tree from the owners of land on which the *μορίαι* stood. The Areopagus, at monthly sessions,<sup>31</sup> took cognisance of matters relating to these trees. Any person who had destroyed one of them would be brought before this court by the Archon Basileus<sup>32</sup> on a charge of sacrilege (*ἀσέβεια*<sup>33</sup>). There was no statute of limitations (*προθεσμία*<sup>34</sup>) to hinder the punishment of such an offender, no matter how long after his crime he was arrested. The case was *ἀτίμητος*, and the fixed punishment was confiscation of property and exile.<sup>35</sup>

The Spartans seem to have spared the sacred olives during the Peloponnesian war,<sup>36</sup> yet in the course of it and during the year of anarchy numerous trees, both private and public, were injured or destroyed.<sup>37</sup> After the restoration of the democracy the stumps or trunks (*στελέχη*<sup>38</sup>) of the sacred trees were enclosed in fences as a protection against wild animals, and to warn everybody that the remains were as sacred as the trees themselves had been. This precaution had a practical as well as a religious side. For the olive was known to be so tenacious of life that even after a stump had been given up for dead, it might send out shoots and

<sup>30</sup> τρί' ἡμικοτύλια ἀπὸ τοῦ στελέχους ἔκστοτον, Arist. *Resp. Ath.* 60.

<sup>31</sup> Lys. vii. 25. So Rauchenstein. It is commonly believed, however, that a committee of *ἐπιμεληταὶ* (cf. §§.7 and 29) visited the trees each month in addition to the annual inspection of the *ἐπτυνώμονες*.

<sup>32</sup> Dem. xxii. 27; xxxv. 48. See note on § 22, and M. and S. p. 61 ff.

<sup>33</sup> M. and S. p. 368 f.

<sup>34</sup> § 17, and M. and S. p. 840.

<sup>35</sup> §§ 3, 25, 32, 41. M. and S. p. 375. But Aristotle, *Resp. Ath.* 60, says that formerly, when the state farmed out the produce of the *μορίαι*, the penalty

was death; adding that since the oil has been paid in by the owner of the farm "the procedure has lapsed, though the law remains." Here Aristotle is thinking of the old punishment of death inflicted in all cases of *ἀσέβεια*, and he omits to note the modification in the penalty which is clear from Lysias.

<sup>36</sup> Schol. Soph. *O. C.* 698–701.

<sup>37</sup> Lys. vii. 7, cf. 6 and 24; xiv. 33; Isocr. xvi. 13.

<sup>38</sup> *στέλεχος* is kindred to *στελέα*, *shaft*, *στήλη* (Curt. *Griech. Etym.* p. 212.). It may denote also the entire tree; cf. Hdt. viii. 55, [Dem.] xliii. 69, Arist. *Resp. Ath.* 60.

thrive once more.<sup>39</sup> The term *σηκός*,<sup>40</sup> properly signifying only the fence, in use included all that the fence enclosed, and hence in this speech it is applied to the stump of a *μορία*. Such a stump the speaker had been accused of removing contrary to the law.

This defendant was a rich owner of real estate,<sup>41</sup> who had held aloof from politics on principle,<sup>42</sup> but who had performed all his required public duties.<sup>43</sup> But in spite of this, he found himself accused by one Nicomachus, a young<sup>44</sup> man otherwise unknown to us, who seems to have been engaged by the speaker's enemies to worry him after the manner of a sycophant.<sup>45</sup> The original written charge was that the speaker had destroyed a *μορία* on one of his own farms. But when the trial began Nicomachus altered his accusation. He had found it impossible to prove by witnesses that there had been a *μορία* on this farm. He shifted his ground, therefore, and his charge, now verbal, not written, is that a *σηκός*, not a *μορία*, had been removed.<sup>46</sup> But he brings no witnesses to prove it, nor does he accept the defendant's offer of his slaves to be tortured.<sup>47</sup> On the other hand, the accused shows by witnesses that there had been neither *μορία* nor *σηκός* nor even a private olive tree on that piece of land since it came into his possession.<sup>48</sup> Here we might expect the defendant to rest his case, for it seems as if he had certainly said enough to make sure of an acquittal. That he goes on, however, shows that the judges in an Athenian court laid less stress upon the testimony of eyewitnesses<sup>49</sup> than we do, and preferred to hear argu-

<sup>39</sup> Hdt. viii. 55; Theophr. *H. P.* v. 9. 8; Verg. *G.* ii. 31, 181; Plin. *N. H.* xvi. 230, xvii. 241.

<sup>40</sup> *σηκός* is kindred to *saepire* (*Curtius*, *Griech. Etym.*, p. 161). But as 'enclosure' = all the ground enclosed and the plants and trees as well, the word stands also for the stump of the *μορία* (*τῆς μορίας στέλεχος σηκός καλεῖται*, Suid.); and conversely *μορία* may denote *σηκός*, cf. § 22, and Harp., *σηκὸν ὡς ἔσικεν καὶ μορίαν δυομάζουσι τὴν αὐτήν*.

<sup>41</sup> § 24.

<sup>42</sup> § 1.

<sup>43</sup> §§ 31, 41.

<sup>44</sup> § 29.

<sup>45</sup> § 38.

<sup>46</sup> § 2. For a similar manoeuvre, cf. Isocr. xviii. 7 and 53. Perhaps, however, the speaker exaggerates his difficulty. At least he had time to get Lysias to insert this section into his speech.

<sup>47</sup> § 20 ff. See on § 34 ff.

<sup>48</sup> §§ 5–10.

<sup>49</sup> Blass, *Attische Beredsamkeit*, I, p. 592.

ments. For in fact the accused begins again with what is in effect a new introduction,<sup>50</sup> and the last three-quarters of his speech is composed of ‘arguments from probability.’ He was no poor man to whom the slight gain from the sale of the wood might have been an object or who needed the ground upon which the *σηκός* was supposed to stand<sup>51</sup>; he had everything to lose by such a crime and nothing to gain<sup>52</sup>; his slaves, naturally against him,<sup>53</sup> and his neighbours, some of whom were unfriendly,<sup>54</sup> would have been likely to inform against him; he owned fields on which stood many *μορίαι* which he might have cut down with less chance of detection than was possible in the case of this which the accuser calls the only one on the estate in question<sup>55</sup>; the accuser had brought no witnesses,<sup>56</sup> had neglected to arrest the accused in the very act,<sup>57</sup> and had even refused the offer of his slaves for torture<sup>58</sup>; the defendant is a good citizen,<sup>59</sup> the accuser is a miserable sycophant, the mere tool of the speaker’s enemies.<sup>60</sup> So after a brief appeal to the pity of the court for his lonely state, the defendant sums up briefly,<sup>61</sup> and sits down.

The date of the speech cannot be fixed with exactness. The mention of the archon in § 11 shows that it must have been delivered later than B.C. 397-6. The words *τοσούτῳ χρόνῳ ὑστερον* in § 42 show that the suit was not brought for some time after the supposed crime had been committed. Probably the case was tried at the earliest in the year 395.<sup>62</sup>

<sup>50</sup> § 12.

<sup>51</sup> § 14.

<sup>58</sup> § 34.

<sup>59</sup> § 30 ff.

<sup>52</sup> § 15.

<sup>53</sup> § 16 f.

<sup>60</sup> § 38 ff.

<sup>61</sup> §§ 41-43.

<sup>54</sup> § 18 ff.

<sup>55</sup> §§ 24, 28.

<sup>62</sup> So Blass, *ibid.* p. 591, after

<sup>56</sup> § 20 f.

<sup>57</sup> § 22.

Sauppe, *Philol.* XXV, p. 258.

## ΑΡΕΟΠΑΓΙΤΙΚΟΣ

# ΠΕΡΙ ΤΟΥ ΣΗΚΟΥ ΑΠΟΛΟΓΙΑ.

Πρότερον μέν, ὡς βουλή, ἐνόμιζον ἔξειναι τῷ βουλομένῳ, ἡσυχίαν ἄγοντι, μήτε δίκας ἔχειν μήτε πράγματα· νυνὶ δὲ οὗτως ἀπροσδοκήτους αἰτίαις καὶ πονηροῖς συκοφάνταις περιπέπτωκα, ὥστ' εἰ πως οἶόν τε, δοκεῖ μοι δεῦν καὶ τοὺς 5 μὴ γεγονότας ἥδη δεδιέναι περὶ τῶν μελλόντων ἔσεσθαι· διὰ γὰρ τοὺς τοιούτους οἱ κίνδυνοι κοινοὶ γίγνονται καὶ 2 τοῖς μηδὲν ἀδικοῦσι καὶ τοῖς πολλὰ ἡμαρτηκόσιν. οὕτω δ' ἀπορος ὁ ἄγων μοι καθέστηκεν, ὥστε ἀπεγράφην τὸ μὲν πρῶτον ἐλάαν ἐκ τῆς γῆς ἀφανίζειν, καὶ πρὸς τοὺς 10 ἐωνημένους τοὺς καρποὺς τῶν μοριῶν πυνθανόμενοι προσ- ἥσαν· ἐπειδὴ δ' ἐκ τούτου τοῦ τρόπου ἀδικοῦντά με οὐδὲν εὑρεῖν ἐδυνήθησαν, νυνὶ με σηκόν φασιν ἀφανίζειν, ἡγούμενοι ἐμοὶ μὲν ταύτην τὴν αἰτίαν ἀπορωτάτην εἶναι ψευδῆ ἀποδεῖξαι, αὗτοῖς δὲ ἔξειναι μᾶλλον ὅ τι ἀν βούλων-

1. **βουλή**: the council of the Areopagus was addressed by the same term as the Senate; *cf.* xvi. 1.—**δίκας**: as a general term, ‘lawsuits.’—**πράγματα**: ‘bothers,’ not wholly in a legal sense as in xii. 3.—**περιπέπτωκα**: rarely (and never elsewhere in Lysias) used with persons in this sense; *cf.* Dem. liv. 25, οὐδεμὲν ἔστιν ἐλπὶς σωτηρίας τῷ περι- πέπτοντι τοῖς ἀσέλγανονσιν. —**τοὺς μὴ γεγονότας κτλ.**: ‘generations yet unborn’; the paradoxical turn lends a

new zest to the well-worn charge of sycophancy; see on xvi. 1.—**ἀδι- κοῦντά**: perfect in sense. GMT. 27; H. 827.

2. **ἀπορος**: *difficult, perplexing*, rendered so by the change in the nature of the charge; see p. 5.—**ὁ ἄγων**: *the case*.—**ἀπεγράφην**: the proceedings against him began with an *ἀπογραφή*.—**ἐλάαν**: = *μορίαν* here, but not so in § 10.—**τοὺς ἐωνημένους**: ‘the contractors’; see p. 3.

ζται λέγειν. καὶ δεῖ με, περὶ ὅν οὗτος ἐπιβεβουλευκῶς  
ῆκει, ἃμ' ὑμῖν τοῖς διαγνωσόμένοις περὶ τοῦ πράγματος  
ἀκούσαντα, καὶ περὶ τῆς πατρίδος καὶ περὶ τῆς οὐσίας  
ἀγωνίσασθαι. ὅμως δὲ πειράσομαι ἐξ ἀρχῆς ὑμᾶς διδάξαι.

4 Ἡν μὲν γὰρ τοῦτο Πεισάνδρου τὸ χωρίον, δημευθέν-  
20των δ' ἐκείνου τῶν ὄντων Ἀπολλόδωρος ὁ Μεγαρεὺς  
δωρειὰν παρὰ τοῦ δήμου λαβὼν τὸν μὲν ἄλλον χρόνον  
ἐγεώργει, δλίγῳ δὲ πρὸ τῶν τριάκοντα Ἀντικλῆς παρ'  
αὐτοῦ πριάμενος ἐξεμίσθωσεν· ἐγὼ δὲ παρ' Ἀντικλέους  
5 εἰρήνης οὕσης ὠνοῦμαι. ἥγοῦμαι τοίνυν, ὡς βουλή, ἐμὸν  
ἔργον ἀποδεῖξαι ὡς, ἐπειδὴ τὸ χωρίον ἐκτησάμην, οὕτ'  
ἐλάα οὔτε σηκὸς ἐνῆν ἐν αὐτῷ. νομίζω γὰρ τοῦ μὲν  
προτέρου χρόνου, οὐδ' εἰ πάλαι ἐνῆσαν μυρίαι, οὐκ' ἀν  
δικαίως ζημιούσθαι· εἰ γὰρ μὴ δι' ἡμᾶς εἰσιν ἡφανισμέ-  
ναι, οὐδὲν προσήκει περὶ τῶν ἀλλοτρίων ἀμαρτημάτων  
6 ὡς ἀδικοῦντας κινδυνεύειν. πάντες γὰρ ἐπίστασθε ὅτι

3. ἐπιβεβουλευκῶς: cf. xix. 3, οἱ μὲν  
γὰρ (sc. plaintiffs) ἐκ πολλοῦ χρόνου ἐπι-  
βουλεύοντες.—ἃμ' ὑμῖν: on the probable  
exaggeration, see p. 5, note 46. On  
ἅμα, see App.—ἀκούσαντα: concessive.—περὶ τῆς πατρίδος κτλ.: the  
penalty was exile and confiscation of  
property.

4. Πεισάνδρου: one of the leaders  
of the Four Hundred; see on xii. 65.  
After their fall his property was con-  
fiscated, and this estate formed part  
of the reward of Apollodorus, one of  
the murderers (xiii. 70 f.) of Phryni-  
chus. He did not receive it until some  
time after the murder, as the investi-  
gation (see App.) lasted long (cf.  
πλέων ἡ τρία ἔτη, § 6).—δωρεάν: the  
regular word used of a gift of honour

from the State.—εἰρήνης οὕσης: i.e.  
after the surrender of Athens to  
Lysander; for, according to § 9, the  
speaker held the estate only five days  
before letting it in the archonship of  
Pythodorus, b.c. 404-3.—ὠνοῦμαι:  
hist. present. The aor. of this verb  
is not in classic use; ἐπριάμην is  
generally used for it.

5. μέν: the adversative clause is  
unexpressed, but is latent in the con-  
text; see on § 39 and xii. 8.—τοῦ...  
χρόνου: i.e. for an ἀφάνισις in the past.  
The gen. is causal (G. 1126; H. 744),  
although not found elsewhere with  
ζημιούσθαι, but with κολάζειν, Ar.  
Vesp. 244, τιμωρεῖν, Xen. Cyr. iv. 6. 8.  
—δι' ἡμᾶς: cf. § 21 and see on xii.  
58.

ὅ πόλεμος καὶ ἄλλων πολλῶν αἰτίος κακῶν γεγένηται, καὶ τὰ μὲν πόρρω ὑπὸ Λακεδαιμονίων ἐτέμνετο, τὰ δὲ ἔγγὺς ὑπὸ τῶν φίλων διηρπάζετο· ὥστε πῶς ἀν δικαίως ὑπὲρ τῶν τότε τῆς πόλει γεγενημένων συμφορῶν ἐγὼ νῦν δίκην 25 διδούνην; ἄλλως τε καὶ ὅτι τοῦτο τὸ χωρίον ἐν τῷ πολέμῳ  
 7 δημευθὲν, ἅπρατον ἦν πλεῦν ἡ τρία ἔτη. ὁ δὲ θαυμαστὸν δὲ εἰ τότε τὰς μορίας ἐξέκοπτον, ἐν ᾧ οὐδὲ τὰ ἡμέτερα αὐτῶν φυλάττειν ἤδυνάμεθα. ἐπίστασθε δέ, ὡς βουλή, ὅσῳ μάλιστα τῶν τοιούτων ἐπιμελεῖσθε, πολλὰ ἐν ἐκείνῳ  
 40 τῷ χρόνῳ δασέα ὄντα ἴδιαις καὶ μορίαις ἐλάαις, ὥν τοῦ τὰ πολλὰ ἐκκέκοπται καὶ ἡ γῆ ψιλὴ γεγένηται· καὶ τῶν αὐτῶν καὶ ἐν τῇ εἰρήνῃ καὶ ἐν τῷ πολέμῳ κεκτημένων, οὐκ ἀξιούτε παρ' αὐτῶν, ἐτέρων ἐκκοψάντων, δίκην λαμβάνειν.  
 8 καίτοι εἰ τοὺς διὰ παντὸς τοῦ χρόνου γεωργοῦντας τῆς  
 45 αἰτίας ἀφίετε, ἡ που χρὴ τούς γ' ἐν τῇ εἰρήνῃ πριαμένους ἀφ' ὑμῶν ἀζημίους γενέσθαι.

6. ὁ πόλεμος: *i.e.* the Peloponnesian.

— πόρρω: *remote*, from the city.—

Δακεδαιμονίων: *i.e.* their garrison in Decelea (but see p. 4).—τῶν φίλων: ‘our own people.’ Not a reference to the party of Thrasybulus, for the time (*τοῦ προτέρου χρόνου*, § 5) is too far back, but either to the systematic desertion and laying waste of their own estates by the Athenians at the beginning of the war to prevent the Spartans from living on them (*cf.* Thuc. ii. 14, and see p. 4, note 37), or to the depredations of private and public foraging parties from Athens.—ἄν: on its position, see on XII. 37.—ἄλλως τε καὶ: *particularly*; see App.—ἅπρατον: no purchaser could be found in the critical times when the Spartans were in Decelea.—πλεῦν

κτλ.: over three years. On the form, see App.

7. θαυμαστὸν εἰ: see on XII. 36.—  
 ὅσῳ μάλιστα: ‘particularly as,’ dat. of degree of difference, here with a sup. (G. 1185; H. 781 b); *cf.* § 39 (but with comp. § 24), and Soph. *Trach.* 313, *ἐπει νν τῶνδε πλεῖστον φέκτισα βλέπονσ*, δοσφεπερ καὶ φρονεῖν οἶδεν μόνη.—ὄντα: impf. in time; see on XVI. 5.—κεκτημένων: concessive.

8. ἡ που: see on XII. 35.—ἀφ' ὑμῶν: ‘on your part,’ ‘so far as you are concerned,’ belonging to ἀζημίους γενέσθαι. Cf. Thuc. i. 39. 3, τῆς ἀφ' ἡμῶν αἰτίας, Xen. *Hellen.* v. 1. 38, αὐτονόμους δὲ ἀπὸ τῶν Θηβαίων τὰς Βοιωτίδας πόλεις ἐποίησαν. With πριαμένους, we should have παρ' ὑμῶν, as in § 4.

9 Ἀλλὰ γάρ, ὃ βουλή, περὶ μὲν τῶν πρότερον γεγενημένων πολλὰ ἔχων εἰπεῖν ἵκανα νομίζω τὰ εἱρημένα· ἐπειδὴ δ' ἐγὼ παρέλαβον τὸ χωρίον, πρὶν ἡμέρας πέντε γενέσθαι ἀπεμίσθωσα Καλλιστράτῳ, ἐπὶ Πυθοδώρου ἄρ-~~ο~~<sup>το</sup> χοντος· ὃς δύο ἔτη ἐγένετο, οὗτε ἰδίαν ἐλάαν οὔτε μορίαν οὔτε σηκὸν παραλαβών. τρίτῳ δὲ ἔτει Δημήτριος οὐτοσὶ εἰρχάστατο· τῷ δὲ τετάρτῳ Ἀλκίᾳ Ἀντισθένους ἀπελευθέρω ἐμίσθωσα, ὃς τέθνηκε· κἀτα τρία ἔτη ὁμοίως 55 καὶ Πρωτέας ἐμίσθωστο. καὶ μοι δεῦρος ἵτε μάρτυρες.

## ΜΑΡΤΥΡΕΣ.

11 Ἐπειδὴ τοίνυν ὁ χρόνος οὗτος ἔξήκει, αὐτὸς γεωργῶ φησὶ δὲ ὁ κατήγορος ἐπὶ Σουνιάδου ἄρχοντος σηκὸν ὑπ' ἐμοῦ ἐκκεκόφθαι. ὑμῖν δέ μεμαρτυρήκασιν οἱ πρότερον ἐργαζόμενοι καὶ πολλὰ ἔτη παρ' ἐμοῦ μεμισθωμένοι μὴ 60 εἶναι σηκὸν ἐν τῷ χωρίῳ. καίτοι πῶς ἂν τις φανερώτερον ἔξελέγξει ψευδόμενον τὸν κατήγορον; οὐ γὰρ οἶόν τε, ἃ πρότερον μὴ ἦν, ταῦτα τὸν ὕστερον ἐργαζόμενον ἀφανίζειν.

9. ἀλλὰ γάρ: see on XII. 99.—γενέσθαι: had passed; cf. Xen. *Hellen.* ii. 4. 25, πρὶν ἡμέρας δέκα γενέσθαι.—Πυθοδώρου: archon in the 'year of anarchy,' B.C. 404–3.

10. οὐτοσὶ: shows that Demetrius was present.—ὅς τέθνηκε: added to show why he does not appear; cf. XXXII. 6.—ὁμοίως: i.e. without ἐλάα, μορία, or σηκός.—ἐμισθώσατο: cf. the meaning of the active above. G. 1245; H. 815.

11. ὁ χρόνος: the lease of Proteas. The estate therefore had been let by the speaker from B.C. 404–3 (§ 4)

through 398–7, a period of seven years.—ἐπὶ Σουνιάδου: archon in 397–6, the first year after the period of seven.—μὴ εἶναι: with μαρτυρέω the inf. regularly takes μὴ. G. 1496; GMT. 685.—ψευδόμενον: indir. discourse. G. 1588; H. 981.—ἃ μὴ ἦν: an indef. rel. clause. G. 1426, 1428; H. 912, 913. Cf. μῆδες, § 38.

12. The evidence being all in, the speaker now makes use of 'arguments from probability' (see Introd. § 11). The thread is: 'People call me a keen hand. Now what had I to gain by destroying the tree, and what harm

- 12 Ἐγὼ τούννυ, ὡς βουλή, ἐν μὲν τῷ τέως χρόνῳ, ὅσοι με  
65 φάσκοιεν δεινὸν εἶναι καὶ ἀκριβῆ καὶ οὐδὲν ἀν εἰκῇ καὶ  
ἀλογίστως ποιῆσαι, ἥγανάκτουν ἄν, αἴρούμενος μᾶλλον  
λέγεσθαι ὡς μοι προσῆκε· νῦν δὲ πάντας ἀν ὑμᾶς βου-  
λοίμην περὶ ἐμοῦ ταύτην τὴν γνώμην ἔχειν, ὡντας ἡγῆσθε  
με σκοπεῖν, εἴπερ τοιούτοις ἔργοις ἐπεχείρουν, καὶ ὃ τι  
70 κέρδος ἐγίγνετό μοι ἀφανίσαντι καὶ ἡτις ζημία περιποιή-  
σαντι, καὶ τί ἀν λαθὼν διεπραξάμην καὶ τί ἀν φανερὸς
- 13 γενόμενος ὑφ' ὑμῶν ἔπασχον. πάντες γὰρ ἀνθρωποι τὰ  
τοιαῦτα οὐχ ὕβρεως ἀλλὰ κέρδους ἔνεκα ποιοῦσι· καὶ  
ὑμᾶς εἰκὸς οὕτω σκοπεῖν, καὶ τοὺς ἀντιδίκους ἐκ τούτων  
75 τὰς κατηγορίας ποιεῖσθαι, ἀποφαίνοντας ἡτις ὠφέλεια
- 14 τοὺς ἀδικήσασίν ἐγίγνετο. οὗτος μέντοι οὐκ ἀν ἔχοι ἀπο-

did its presence cause me?' — **ὅσοι φάσκοιεν**: ref. general condition. G. 1431, 2; H. 914 B. — **δεινόν**: in a bad sense, sharp, shrewd; so ἀκριβῆ. — **εἰκῇ**: see App. to XII. 15. — **ἄν ποιῆσαι**: representing a potential opt. — **ἥγανάκτουν ἀν**: the iterative use. G. 1296; GMT. 162; H. 835. — **αἴρούμενος κτλ.**: the thought is, 'in the past I preferred people to speak of me in appropriate terms; but now I should rather have you all think of me as a keen fellow, — one who would never be guilty of such a foolish act.' — **ἄν ὑμᾶς βουλοίμην**: *I should like to have you*, Lat. *velim*. G. 1327; H. 903. Cf. XII. 22. — **ἡγῆσθε**: after a potential opt., a final clause as a rule takes the subjv. in prose. G. 1270, 2; GMT. 180. — **σκοπεῖν**: represents the impf. indicative. — **ἔγιγνετο**: the rare change in indir. disc. to the impf. after a secondary tense (*σκοπεῖν*). Cf. XII. 73. G. 1489; GMT. 674, 2; H. 936.

The direct question would be **τι κέρδος γίγνεται**, where the pres. tense has the force of **μελει γενήσεσθαι**, as in Isaeus IX. 24. See on § 13 f., where the impfs. themselves have this force. — **ζημία**: material loss is meant, as in XXXII. 21; cf. Plat. Hipparch. 226 E, **κέρδος δὲ λέγεις ἐναρτίον τῇ ζημίᾳ**; — **περιποιήσαντι**: i.e. σώσαντι, cf. XIII. 63, ἡ δὲ τύχη καὶ διάμων (αὐτὸν) περιποίησε.

13. **πάντες ἀνθρωποι**: without the art.; see on XVI. 15. — **ὕβρεως**: 'lawlessness.' — **κέρδους ἔνεκα**: cf. Isocr. XXI. 6, δῆλον γὰρ, δτι πάντες κέρδους ἔνεκ' ἀδικοῦσιν. — **οὕτω σκοπεῖν**: 'look at it in this light.' See on XVI. 18. — **ἐκ τούτων**: repeats the idea in **οὕτω**, and is explained by **ἀποφαίνοντας**, denoting means. One of the best 'arguments from probability' lay in showing that the accused had something to gain by his alleged crime. — **ἔγιγνετο**: this impf., unlike **ἔγιγνετο** in § 12, is the

δεῖξαι οὖθ' ὡς ὑπὸ πενίας ἡναγκάσθην τοιούτοις ἔργοις  
ἐπιχειρεῖν, οὖθ' ὡς τὸ χωρίον μοι διαφθείρεται ντοῦ σηκοῦ  
ἐνόντος, οὖθ' ὡς ἀμπέλους ἐμποδὼν ἦν, οὖθ' ὡς οἰκίας  
80 ἐγγύς, οὖθ' ὡς ἐγὼ ἀπειρος τῶν παρ' ὑμῖν κινδύνων. ἐγὼ  
δέ, εἴ τι τοιούτον ἔπραττον, πολλὰς ἀν καὶ μεγάλας  
15 ἐμαυτῷ ζημίας γιγνομένας ἀποφήναιμι. ὃς πρῶτον μὲν  
μεθ' ἡμέραν ἔξεκοπτον τὸν σηκόν, ὥσπερ οὐ πάντας  
λαθεῖν δέον, ἀλλὰ πάντας Ἀθηναίους εἰδέναι. καὶ εἴ μὲν  
85 αἰσχρὸν ἦν μόνον τὸ πρᾶγμα, ἵστως ἀντὶ τῶν παριόντων  
ἡμέλησε· νῦν δ' οὐ περὶ αἰσχύνης ἀλλὰ τῆς μεγίστης  
16 ζημίας ἐκινδύνευον. πῶς δ' οὐκ ἀν ἦ ἀθλιώτατος ἀνθρώ-  
πων ἀπάντων; εἴ τοὺς ἐμαυτοῦ θεράποντας μηκέτι δούλους  
ἔμελλον ἔξειν ἀλλὰ δεσπότας τὸν λοιπὸν βίον, τοιούτον  
90 ἔργον συνειδότας, ὥστε εἴ καὶ τὰ μέγιστα εἰς ἐμὲ ἔξη-  
μάρτανον, οὐκ ἀν οἶόν τε ἦν δίκην με παρ' αὐτῶν λαμβά-  
νειν· εὗ γάρ ἀν ἥδη ὅτι ἐπ' ἐκείνοις ἦν καὶ ἐμὲ τιμω-  
ρήσασθαι καὶ αὐτοῖς μηνύσασιν ἐλευθέροις γενέσθαι.

direct thought unchanged. It has the meaning of *ἔμελλε γενήσεσθαι*, like the impf. partic. *γιγνομένας* in § 14; cf. Andoc. i. 58, φονεὺς οὖν αὐτῶν ἐγίγνη-  
μην ἐγώ, μὴ εἰπῶν ὑμῖν ἀ ηκούσα, and see Schoemann on Isaeus i. 44. Like these is the use of *ἐκέρδανον*, § 32, denoting *likelihood*; see GMT. 38, and cf. xii. 27, 88.

14. ὑπὸ πενίας: as, for instance, that he wanted to make money by selling the wood or using the ground occupied by the *σηκός*. — παρ' ὑμῖν: the dat. on the principle of *παρὰ τῷ πολεμάρχῳ*, xxiii. 3; cf. xxi. 17, *εἰ παρ' ἄλλοις ἐκινδύνευον*. See App. — γιγνομένας: indir. disc. (G. 1588; H. 981), representing an impf. used like *ἐγίγνετο*, § 13. It

is the apod. of *εἰ ἔπραττον*, a prot. of the simple first form: ‘If I did any such thing, many severe penalties were bound to come upon me, as I could show.’ See App.

15. μεθ' ἡμέραν: ‘in broad day.’ — ὥσπερ οὐ δέον: ‘just as if it were not important,’ though the partic. is not conditional as the neg. *οὐ* shows; see App. to xii. 7, and for the acc. absol., G. 1569; H. 973. — αἰσχρόν: hence not entailing a legal penalty. — τῶν παριόντων: depends on *ἡμέλησε*. Cf. § 17, *τῶν οἰκετῶν μηδὲν φροντίζειν*.

16. δεσπότας: on the thought, cf. Pub. Syrus, 194, famulatur dominus ubi timet quibus imperet. — ἐλευθέροις γενέσθαι: see on § 35;

17 ἔτι τοίνυν εὶς τῶν οἰκετῶν παρέστη μοι μηδὲν φροντίζειν,  
 95 πῶς ἀν ἐτόλμησα τοσούτων μεμισθωμένων καὶ ἀπάντων  
 συνειδότων ἀφανίσαι τὸν σηκὸν βραχέος μὲν κέρδους ἔνεκα,  
 προθεσμίας δὲ οὐδεμιᾶς οὕστης τῷ κινδύνῳ τοῖς εἰργασμέ-  
 νοις ἅπασι τὸ χωρίον ὁμοίως προσῆκον εἶναι σῶν τὸν  
 σηκόν, ἵν' εὶς τις αὐτοὺς ἥτιάτο, εἶχον ἀνενεγκεῖν ὅτῳ παρέ-  
 100 δοσαν; οὐν δὲ καὶ ἐμὲ ἀπολύσαντες φαίνονται καὶ σφᾶς  
 αὐτούς, εἴπερ ψεύδονται, μετόχους τῆς αἰτίας καθιστάντες.  
 18 εὶς τοίνυν καὶ ταῦτα παρεσκευασάμην, πῶς ἀν οὗτος τὸν  
 πάντας πεῖσαι τοὺς παριόντας, ἢ τοὺς γείτονας, οἱ οὐ  
 μόνον ἀλλήλων ταῦτ' ἵσασιν ἢ πᾶσιν ὅρâν ἔξεστιν, ἀλλὰ  
 105 καὶ περὶ ὧν ἀποκρυπτόμεθα μηδένα εἰδέναι, καὶ περὶ ἐκεί-

freedom, then, was the reward of a slave who laid a *μῆνυσις* against his master. Death, however, was the penalty for false information. On the whole subject, see M. and S. pp. 330 f., 751.

17. *οἰκετῶν*: in this speech *οἰκέτης*, *θεράπων* and *δοῦλος* are used as synonyms, although each really has a special meaning of its own; see Hermann, *Privatalt.* p. 83. The gen. depends on *φροντίζειν*, cf. xxxi. 31.—*παρέστη*: 'occurred'; see on xii. 62.—*προθεσμίας οὐδεμιᾶς*: see p. 4.—*οὕστης*: causal and subord. to *προσῆκον*.—*τοῖς εἰργασμένοις κτλ.*: the 'argument from improbability' falls into two parts, 1) the insignificance of the gain; 2) the fact that each lessee would be concerned (*προσῆκον*) in seeing that the estate lost no *σηκός* at any time, as there was no statute of limitations in such cases.—*προσῆκον*: on the case, cf. δέον, § 15.—*σῶν*: on the form, see G. 309; H. 227.—*εἶχον*: on

the mood, see G. 1371; H. 884.—*ἀνενεγκεῖν ὅτῳ*: for the phrase, see on xii. 81.

18. *παρεσκευασάμην*: 'fixed,' 'put up,' the means being well understood; so *τοὺς συκοφάντας παρασκευάζεσθαι*, to 'fix' the sycophants. Bribery is not always meant by the word, however; cf. xiii. 12, *δικαστήριον παρασκευάσαντες*, having 'packed' a court, i.e. with their (the oligarchs') creatures; xiii. 26, *εἰ μὴ τις ήν παρεσκευασμένον*, 'if it hadn't been a put-up job of yours'; also xxiv. 1, and *παρασκευήν*, xii. 75.—*πεῖσαι*: often used of bribery, cf. § 21.—*γείτονας*: the omniscient neighbour was as much of a pest then as he often is now. Cf. such proverbs as *οὐδὲν γείτονίς χαλεπώτερον*, Arist. *Rhet.* ii. 21; *δέκτερον οἱ γείτονες βλέπουσι τῶν ἀλωπέκων*, Macarius, vi. 40; *δυσμενῆς καὶ βάσκανος (envious) ὁ τῶν γειτόνων δόθαλμός, φησίν η παροιμία*, Alciphron, i. 15.—*περὶ ὧν* and *περὶ*

νων πυνθάνονται; ἐμοὶ τούννυν τούτων οἱ μὲν φίλοι, οἱ δὲ  
 19 διάφοροι περὶ τῶν ἐμῶν τυγχάνουσιν ὄντες. ΙΘῆς ἔχρην +  
 τοῦτον παρασχέσθαι μάρτυρας, καὶ μὴ μόνον οὗτως τολ-  
 μηρὰς κατηγορίας ποιεῖσθαι· ὃς φησιν ὡς ἐγὼ μὲν παρει-  
 110 στήκη, οἱ δὲ οἰκέται ἔξετεμνον τὰ πρέμνα, ἀναθέμενος δὲ  
 20 ὁ βοηλάτης ὥχετο ἀπάγων τὰ ξύλα. καίτοι, ὃ Νικόμαχε,  
 χρῆν σε τότε καὶ παρακαλεῖν τοὺς παριόντας μάρτυρας,  
 καὶ φανερὸν ποιεῖν τὸ πρᾶγμα· καὶ ἐμοὶ μὲν οὐδεμίαν ἀν  
 ἀπολογίαν ὑπέλιπες, αὐτὸς δέ, εἰ μέν σοι ἔχθρὸς ἦ, ἐν  
 115 τούτᾳ τῷ τρόπῳ ἥσθα ἀν με τετιμωρημένος, εἰ δὲ τῆς  
 πόλεως ἔνεκα ἐπραττες, οὗτως ἔξελέγξας οὐκ ἀν ἐδόκεις  
 εἶναι συκοφάντης, εἰ δὲ κερδαίνειν ἐβούλου, τότ’ ἀν πλεῖ-  
 21 στον ἔλαβες· φανεροῦ γὰρ ὄντος τοῦ πράγματος οὐδεμίαν

**ἐκείνων**: rare, instead of the usual περὶ ὧν alone or περὶ ἐκείνων ἂ. The καὶ περὶ ἐκείνων, even on those very points, repeats and makes more emphatic the foregoing rel. clause.—

**ἀποκρυπτόμεθα**: denotes attempted action, G. 1255; H. 825. — **μηδένα**

**εἰδένα**: ‘we conceal from anybody’s

**knowledge,’** a construction on the

**analogy of verbs of hindrance.** G.

1549; H. 963. — **τοίνυν**: see on xvi.

12. — **περὶ τῶν ἐμῶν**: ‘about what is mine’; boundary disputes, and questions of trespass and damage resulting from it, like the case in Dem. lv, are meant.

19. **ἔχρην**: see on xii. 32. — **ὅς φησιν ὡς**: an almost unparalleled construction. GMT. 753, 2. See App. — **ἀναθέμενος**: after loading up, sc. εἰς τὴν ἄμαξαν or a similar phrase. The verb is extremely rare in this literal sense; cf. Plut. Artox. ii, τὸν

Kύρον ἐπεχείρουν ἐπ’ ἄλλον ἵππον ἀνα-  
 θέσθαι, Ar. Eq. 1056, καὶ κε γυνὴ φέροι  
 ἀχθός, ἐπει κεν ἀνήρ ἀναθέηγ (a quotation  
 from the Little Iliad). — **βοηλά-της**: the Greeks used oxen as well as  
 horses and mules for draught pur-  
 poses; cf. Xen. Oec. 18. 4, καὶ ὑποζύγια  
 γε καλούμενα πάντα ὁμολως, βοῦς, ἡμιβ-  
 νούς, ἵππους. — **ώχετο ἀπάγων**: the  
 partc. expresses the leading idea  
 here. G. 1587.

20. **τότε**: ‘then and there.’ He might  
 then have taken the speaker in the very  
 act with witnesses; cf. ἐπ’ αὐτοφώρῳ  
 ἐλέγξαι, § 42. — **ἐν τούτῳ τῷ τρόπῳ**:  
 = eo pacto, denoting manner, cf.  
 Antiphon i. 8, τὰ γὰρ γενόμενα ἐν τούτῳ  
 ἀφανισθῆναι φήθησαν. See on xxiv. 5.  
 — **ἥσθα ἀν τετιμωρημένος**: the rare  
 plupf. in the contrary-to-fact apod.,  
 expressing completion in pres. time.  
 G. 1397; H. 895. On the periphrastic  
 form, see GMT. 45.

ἀλλην ἥγούμην ἀν εἶναι μοι σωτηρίαν ἢ σὲ πεῖσαι. τού-  
 120 των τοίνυν οὐδὲν ποιήσας διὰ τοὺς σους λόγους ἀξιοῖς με  
 ἀπολέσθαι, καὶ κατηγορεῖς ως ὑπὸ τῆς ἐμῆς δυνάμεως  
 καὶ τῶν ἐμῶν χρημάτων οὐδεὶς ἔθέλει σοι μαρτυρεῖν.  
 22 καίτοι εἰ ως φύς μ' ἵδων τὴν μορίαν ἀφανίζοντα τοὺς  
 ἐννέα ἄρχοντας ἐπήγαγες ἢ ἄλλους τινὰς τῶν ἐξ Ἀρείου  
 125 πάγου, οὐκ ἀν ἑτέρων ἔδει σοι μαρτύρων· οὗτοι γὰρ ἀν  
 σοι συνήδεσαν ἀληθῆ λέγοντι, οἵπερ καὶ διαγιγνώσκειν  
 23 ἐμελλον περὶ τοῦ πράγματος. δεινότατα οὖν πάσχω ὅτ'  
 εἰ μὲν παρέσχετο μάρτυρας, τούτοις ἀν ἡξίου πιστεύειν,  
 ἐπειδὴ δὲ οὐκ εἰσὶν αὐτῷ, ἐμοὶ καὶ ταύτην ζημίαν οἴεται  
 130 χρῆναι γενέσθαι. καὶ τούτου μὲν οὐ θαυμάζω· οὐ γὰρ  
 δή που συκοφαντῶν ἀμα τοιούτων τε λόγων ἀπορήσει καὶ  
 μαρτύρων· ὑμᾶς δ' οὐκ ἀξιῶ τὴν αὐτὴν τούτῳ γνώμην

21. **πεῖσαι:** see on § 18.—**ὑπό:** causal, G. 1219, 1 c; cf. xxxi. 18, xxxii. 10, 18; Ar. *Vesp.* 1084, ὑπὸ δὲ τῶν τοξευ-  
 μάτων οὐκ ἦν λεῖν τὸν οὐρανόν. For ὑπό with impers. words, see on xii. 3.  
 —**δυνάμεως:** *influence;* see on § 27.

22. **ως φύς:** cf. the scene described by the accuser in § 19.—**τοὺς ἐννέα ἄρχοντας:** a loose phrase, for certainly not more than one would be needed. This would be the *βασιλεύς* (with his *ἱππορέται*), M. and S. p. 293. See p. 4.  
 —**μορίαν:** here = *σηκόν*, cf. p. 5, note 40.—**ἐπήγαγες:** Lysias has in mind the procedure called *ἔφήγησις*, wherein a magistrate was brought to the very spot to arrest a person who was committing a crime; still, M. and S., *i.e.*, doubt whether the *ἔφήγησις* was ever actually employed in olive-tree cases.  
 —**ἄλλους τινάς:** or else some of the members of the *Areopagus*. Archons

did not become members of this council until after their year of office as archons. On this use of *ἄλλος*, see on § 25. — **ἀν ἔδει:** on the use of *ἀν*, see on xii. 48. — **οἵπερ:** ‘the very men who,’ cf. *ἄπερ*, xxxii. 15.

23. **καὶ ταύτην:** *this also*, i.e. his not having witnesses. The gender is by assimilation (H. 632 a) with *ζημίαν*, which means ‘to my detriment.’ — **τούτου:** causal gen. (G. 1126; H. 744); masculine as the following clause shows as well as the *μέν* when compared with *ὑμᾶς δέ*. — **οὐ γὰρ δή που:** see on xii. 27. — **συκοφαντῶν:** ‘playing the sycophant.’ — **τοιούτων λόγων κτλ.:** the thought is ‘a sycophant may lack witnesses, but he will never lack arguments.’ The very lack of witnesses Nicomachus seizes upon as a proof that the speaker had bought them off.

24 ἔχειν. ἐπίστασθε γὰρ ἐν τῷ πεδίῳ πολλὰς μορίας οὖσας  
 καὶ πυρκαιᾶς ἐν τοῖς ἄλλοις τοῖς ἐμοῖς χωρίοις, ἃς, εἴπερ  
 135 ἐπεθύμουν, πολὺ ἦν ἀσφαλέστερον καὶ ἀφανίσαι καὶ  
 ἐκκόψαι καὶ ἐπεργάσασθαι, ὅσφπερ ἥττον τὸ ἀδίκημα  
 25 πολλῶν οὐσῶν ἔμελλε δῆλον ἔσεσθαι. νῦν δ' οὐτως(ἀντὰς  
 περὶ πολλοῦ) ποιοῦμαι, ὡσπερ καὶ τὴν πατρίδα καὶ τὴν  
 ἄλλην οὐσίαν, ἡγούμενος περὶ ἀμφοτέρων τούτων εἶναι  
 140 μοι τὸν κίνδυνον. αὐτοὺς τούνυν ὑμᾶς τούτων μάρτυρας  
 παρέχομαι, ἐπιμελουμένους μὲν ἐκάστου μηνός, ἐπιγνώ-  
 μονας δὲ πέμποντας καθ' ἐκαστον ἐνιαυτόν· ὅν οὐδεὶς  
 πώποτ' ἔξημιώσε μ' ὡς ἐργαζόμενον τὰ περὶ τὰς μορίας  
 — 26 χωρία. — καίτοι οὐ δή που τὰς μὲν μικρὰς ζημίας οὗτω  
 145 περὶ πολλοῦ ποιοῦμαι, τοὺς δὲ περὶ τοῦ σώματος κινδύ-  
 νους οὗτω περὶ οὐδεγὸς ἡγούμαι· καὶ τὰς μὲν πολλὰς  
 ἐλάσας, εἰς ἃς ἔξην μᾶλλον ἔξαμαρτάνειν, οὗτω θεραπεύων  
 φαίνομαι, τὴν δὲ μίαν μορίαν, ἦν οὐχ οἶόν τ' ἦν λαθεῖν

24. πεδίῳ: the Athenian plain, see p. 2. — πυρκαιᾶς: stumps of burnt trees. But see App. — ἦν ἀσφαλέστερον: apod. without *ἄν*, see on XII. 32. — ἐπεργάσασθαι: used of encroachments or trespass by planting or building on ground where one has no right, especially on sacred ground; cf. § 29 and Thuc. I. 139. 2, ἐπικαλοῦντες ἐπεργαστὰς Μεγαρέντι τῆς γῆς τῆς ιερᾶς. So Aesch. III. 113, ἀνδρες παρανομώτατοι, ἐπειργάζοντο τὸ πεδίον (of Cirrha), Plat. Legg. 843 C, ὃς δ' ἀν ἐπεργάζηται τὰ τοῦ γελτονος ὑπερβαίνων τοὺς δρόους, τὸ μὲν βλάβος ἀποτινέτω. — ὅσφπερ: *ignas much as* (G. 1184; H. 781), cf. δοσφ., § 7. — ἔμελλε: without *ἄν*, see on XII. 99.

25. τὴν ἄλλην οὐσίαν: and my property besides. Exile and confiscation were the penalties. On this use of

ἄλλος, cf. §§ 22, 30, 32, and see G. 966, 2; H. 705. So Xen. Anab. I. 5. 5, οὐ γὰρ ἦν χρότος οὐδὲ ἄλλο οὐδὲν δένδρον, Plat. Phaed. 110 E, καὶ λίθοις καὶ γῇ καὶ τοῖς ἄλλοις ζῴοις τε καὶ φυτοῖς. So in Lat., as Liv. V. 39. 3, expiatoribus missis circa moenia aliasque portas. — παρέχομαι: see on XII. 74. — ἐκάστου μηνός: see p. 4, note 31. — ἐπιγνώμονας: see p. 3.

26. ζημίας: money fines are here meant. — σώματος: he is thinking here of his status as a citizen (cf. XXIII. 12), which he would lose if convicted; for a different sense see on XXII. 20. — ποιοῦμαι and ἡγούμαι: see on XII. 7. — ἐλάσας: i.e. the μορίαι of § 24. — εἰς ἃς: see App. — ἔξην: see on χρῆν, XII. 32; so οἶόν τ' ἦν and κρείττον ἦν below.

*λίθι*

27 ἐξορύξαντα, ὡς ἀφανίζων νυνὶ κρίνομαι. πότερον δέ μοι  
 150 κρέπτον ἦν, ὥς βουλή, δημοκρατίας οὔσης παρανομένη ἢ  
 ἐπὶ τῶν τριάκοντα; καὶ οὐ λέγω ὡς τότε δυνάμενος ἢ ὡς  
 νῦν διαβεβλημένος, ἀλλ' ὡς τῷ βουλομένῳ τότε μᾶλλον  
 ἐξῆν ἀδικεῖν ἢ νῦν. ἐγὼ τούννυν οὐδὲν ἐκείνῳ τῷ χρόνῳ  
 οὔτε τοιοῦτον οὔτε ἄλλο οὐδὲν κακὸν ποιήσας φανήσομαι.

28 πῶς δ' ἄν, εἰ μὴ πάντων ἀνθρώπων ἔμαυτῷ κακονούστατος  
 ἢ, ὑμῶν οὕτως ἐπιμελουμένων, ἐκ τούτου τὴν μορίαν  
 ἀφανίζειν ἐπεχείρησα τοῦ χωρίου, ἐν ᾧ δένδρον μὲν οὐδὲ  
 ἔν ἔστι, μιᾶς δὲ ἐλάσσα σηκός, ὡς οὗτός φησιν εἶναι,  
 κυκλόθεν δὲ ὄδὸς περιέχει, ἀμφοτέρωθεν δὲ γείτονες περι-  
 160 οικοῦσιν, ἄερκτον δὲ καὶ πανταχόθεν κάτοπτόν ἔστιν;  
 ὥστε τίς ἀν ἀπετόλμησε, τούτων οὕτως ἔχόντων, ἐπιχει-  
 29 ρῆσαι τοιούτῳ πράγματι; δεινὸν δέ μοι δοκεῖ εἶναι ὑμᾶς  
 μέν, οἷς ὑπὸ τῆς πόλεως τὸν ἅπαντα χρόνον προστέτακται  
 τῶν μορίων ἐλαῶν ἐπιμελεῖσθαι, μήθ' ὡς ἐπεργαζόμενον  
 165 πώποτε ζημιώσαι με μήθ' ὡς ἀφανίσαντα εἰς κίνδυνον  
 καταστῆσαι, τοῦτον δ', ὃς οὔτε γεωργῶν ἐγγὺς τυγχάνει

27. **δυνάμενος**: 'a man of influence'; for this absolute use, cf. Dem. xxiii. 174, δπως δν ὑμᾶς δινασθαι νομέη. Cf. δυνάμεως, § 21, and γενομένος ἐν δυνά-  
 μει, xxiv. 25. The orators always eagerly disown any connexion with the Thirty. — ἀλλ' ὡς ... ἔξην: we should naturally have a participle (*ἔξειν*, acc. abs.) after *οὐ* ... ὡς δυνά-  
 μενος. — μᾶλλον ἔξην: that time was one of lawlessness (see on xii. 81); cf. Isoctr. xviii. 16, νῦν δ' οὐδένα φανή-  
 σομαι τῶν πολιτῶν οὔτε χρήμασι ζημιώ-  
 σας οὔτε περὶ τοῦ σώματος εἰς κίνδυνον  
 καταστήσας ... 17, καίτοι πολλοὺς  
 ἐπήρεν ἡ τῶν τριάκοντα πονηρὰ τοι-  
 αῦτα ποιεῖν. It has been thought that

the functions of the Areopagus were utterly suspended during the rule of the Thirty.

28. **ὑμῶν**... **ἐπιμελουμένων**: said in order to win the favour of the judges by complimenting them on their attention to duty. — οὐδὲ ἔν: see on xxxi. 30. — εἶναι: impf., see on xvi. 6. — **ἀπετόλμησε**: here *ἀπο-* is intensive in a bad sense, 'have the impudence'; cf. Aeschin. i. 64, ἀπετόλμων ὑμῖν οὗτοι περὶ τῶν 'Ελληνικῶν συμ-  
 βουλεύειν.

29. **μορίων**: on the accent, see p. 3. — **ἐπεργαζόμενον**: cf. § 24. — **ἐπιμελη-  
 τής**: *curator*. — **ἡλικίαν** **ἔχων** εἰδέναι:

cf. ἐπειδὴ οἱ παῖδες ὑμῖν δλίγου ...

οῦτ' ἐπιμελητὴς γῆρημένος οὐθ' ἡλικίαν ἔχων εἰδέναι περὶ τῶν τοιούτων, ἀπογράψαι με μορίαν ἀφανίζειν.

30 Ἐγὼ τούννυ δέομαι ὑμῶν μὴ τοὺς τοιούτους λόγους 170 πιστοτέρους ἡγήσασθαι τῶν ἔργων, μηδὲ περὶ ὅν αὐτοὶ σύνιστε, ταῦτ' ἀνασχέσθαι τῶν ἐμῶν ἔχθρῶν λεγόντων, ἐνθυμουμένους καὶ ἐκ τῶν εἰρημένων καὶ ἐκ τῆς ἄλλης 31 πολιτείας. ἐγὼ γὰρ τὰ ἐμοὶ προστεταγμένα ἀπαντα προθυμότερον πεποίηκα ἢ ὡς ὅπὸ τῆς πόλεως ἡναγκαζόμην, 175 καὶ τριηραρχῶν καὶ εἰσφορᾶς εἰσφέρων καὶ χορηγῶν καὶ τᾶλλα λγητουργῶν οὐδενὸς ἥττον πολυτελῶς τῶν πολιτῶν. 32 καίτοι ταῦτα μὲν μετρίως ποιῶν ἀλλὰ μὴ προθύμως, οὗτ' ἀν περὶ φυγῆς οὕτ' ἀν περὶ τῆς ἄλλης οὐσίας ἡγωνιζόμην,

ἡλικίαν ἔχουσι παιδεύεσθαι, Plat. *Lach.* 187 C; see G. 1521. — ἀπογράψαι: of a formal ἀπογραφή, cf. § 2.

30. On the thought, cf. xii. 33. — τῶν ἔργων: *the facts*, i.e. the state of things as he has described it. — αὐτοῖς: 'from personal observation,' as the officials in charge of the trees. — ταῦτα: object of λεγόντων. — λεγόντων: supplementary partic. as object (G. 1580; H. 983); cf. Plat. *Apol.* 31 B, ἀνέχεσθαι τῶν οἰκείων ἀμελουμένων. For the causal gen., see Kühn. § 419, 1 d, but compare the nom. βασανιζόμενοι, § 35. — ἐνθυμουμένους: on the case, not agreeing with that of ὑμῶν, G. 928, 2; H. 941. But see on λέγοντι, xii. 1. — πολιτείας: i.e. his standing and conduct as a citizen; so, as contrasted with private life, in Andoc. I. 10, ήλθέ μοι ἐπιθυμία τῆς τε μεθ' ὑμῶν πολιτείας ἑκεῖνης καὶ διατῆς.

31. προθυμότερον . . . ἡναγκαζόμην: cf. xxv. 13, καίτοι διὰ τοῦτο (i.e. in the expenses of liturgies) πλείω τῶν ὅπδ

τῆς πόλεως προσταττομένων ἐδαπανώμην, ἵνα καὶ βελτίων ὅφ' ὑμῶν νομιξούμην. This was a common boast; cf. Isocr. xv. 145, τὰς δ' ἀλλας λγητουργίας πολυτελέστερον λελγητουργήκατε καὶ κάλλιων ὡν οἱ νόμοι προστάτουσιν. — τριηραρχῶν: on the trierarchy, see Smith, *Dict. Antiq.* s.v. *trierarchia*. — εἰσφορᾶς and χορηγῶν: see on xii. 20. — τᾶλλα λγητουργῶν: such as the gymnasialy and the lampadarchy, see Gow, § 77 c. On the whole passage, cf. xxv. 12, τετριηράρχηκα τε γὰρ πεντάκις καὶ τετράκις νεναμάχηκα καὶ εἰσφορᾶς ἐν τῷ πολέμῳ πολλὰς εἰσενήνοχα καὶ τᾶλλα λελγητούργηκα οὐδενὸς χείρον τῶν πολυτῶν.

32. μετρίως: here not in a good sense, as in xvi. 3, but like our 'only moderately,' = mediocriter. The thought is: 'I preferred to be generous beyond what the law required though I might merely have kept to its letter and saved money without any risk. Would such a man risk his all

πλείω δ' ἀν ἐκεκτήμην, οὐδὲν ἀδικῶν οὐδ' ἐπικύνδυνον  
 180 ἔμαυτῷ καταστήσας τὸν βίον· ταῦτα δὲ πράξας, ἢ οὗτός  
 μου κατηγορεῖ, ἐκέρδαινον μὲν οὐδέν, ἔμαυτὸν δ' εἰς  
**33** κύνδυνον καθίστην. καίτοι πάντες ἀν ὄμολογήσαιτε δικαι-  
 ὄτερον εἶναι τοὺς μεγάλους χρῆσθαι τεκμηρίους περὶ τῶν  
 μεγάλων· καὶ πιστότερα ἡγείσθαι περὶ ὧν ἀπαστήνεται  
 185 πάρτυρεῖ, μᾶλλον ἢ περὶ ὧν μόνος οὗτος κατηγορεῖ.

**34** Ἔτι τούνν, ὥς βουλή, ἐκ τῶν ἄλλων σκέψασθε. μάρ-  
 τυρας γὰρ ἔχων αὐτῷ προσῆλθον λέγων ὅτι μοι πάντες  
 ἔτι εἴσιν οἱ θεράποντες, οὓς ἐκεκτήμην ἐπειδὴ παρέλαβον  
 τὸ χωρίον, καὶ ἔτοιμός εἰμι, εἴ τινα βούλοιτο, παραδοῦναι  
 190 βασανίειν, ἥγονύμενος οὕτως ἀν τὸν ἐλεγχον ἰσχυρότατον  
 γενέσθαι τῶν τούτου λόγων καὶ τῶν ἔργων τῶν ἐμῶν.

merely to be rid of the encumbrance of a trumpery olive stump? — πλείω . . . ἐκεκτήμην: 'I should be all the better off.' — οὐδὲν ἀδικῶν: 'without having broken the law.' — ἐκέρδαινον: 'I was to gain'; see on § 13.

33. τοὺς μεγάλους τεκμηρίους: i.e. as shown by his whole life and conduct rather than by the unsupported charge brought by Nicomachus. — περὶ τῶν μεγάλων: 'where the issues are great.' His citizenship and property were at stake. — περὶ ὧν . . . κατηγορεῖ: ordinarily this verb takes the acc., but here the clause with περὶ is used for the sake of parallelism with the foregoing.

34. ἐκ τῶν ἄλλων: 'in another light,' see on XVI. 18. Evidence drawn from slaves under the torture is frequently spoken of as being the strongest sort of testimony; cf. Isocr. xvii. 54, ὅρῳ δὲ καὶ ὑμᾶς καὶ περὶ τῶν ἴδιων καὶ περὶ τῶν δημοσίων οὐδὲν πιστότερον οὐδὲ ἀληθέστε-

ρον βασάνου νομίζοντας, and Lyc. Leocr. 29, τίς γὰρ ὑμῶν οὐκ οἴδεν θτὶ πέρι τῶν ἀμφισβητουμένων πολὺ δοκεῖ δικαιότατον καὶ δημοτικὸν εἶναι, θταν οἰκέται ἡ θεράπαιναι συνειδῶσιν ἢ δεῖ, τούτους ἐλέγχειν καὶ βασανίειν. The owner of the slaves might offer them (*παραδόναι*) or his opponent demand them (*ἔξαιτεῖν*, § 36). Either offer or demand was called a *πρόβλησις*, always made in the presence of witnesses. If this challenge was accepted, a contract was drawn up specifying the method of torture and naming the torturer (*βασανιστής*). An offer was supposed to be a proof of a good conscience; refusal to accept (*παραλαμβάνειν*, § 36) it, as here, or to comply with a demand (cf. § 36), was used as a strong argument against the refuser. The evidence of slaves was accepted only on the application of torture. On the whole subject, see M. and S. p. 890 ff.; Smith, *Dict. Antiq.* s.v. *t tormentum*. — εἴμι: see App.

35 οὗτος δ' οὐκ ἥθελεν, οὐδὲν φάσκων πιστὸν εἶναι τοῖς θεράπουσιν. ἐμοὶ δὲ δοκεῖ δεινὸν εἶναι, εἰ περὶ αὐτῶν μὲν οἱ βασανιζόμενοι κατηγοροῦσιν εὖ εἰδότες ὅτι ἀπο-  
195 θανοῦνται, περὶ δὲ τῶν δεσποτῶν, οἷς πεφύκασι κακο-  
νούστατοι, μᾶλλον ἀν ἔλοιντο ἀνέχεσθαι βασανιζόμενοι ἢ  
36 κατειπόντες (ἀπηλλάχθαι τῶν παρόντων κακῶν), καὶ μὲν δῆ, ὡς βουλή, φανερὸν οἶμαι εἶναι ὅτι, εἰ Νικομάχου ἔξαι-  
τοῦντος τοὺς ἀνθρώπους μὴ παρεδίδουν, ἐδόκουν ἀν ἐμαν-  
200 τῷ συνειδέναι· ἐπειδὴ τοίνυν ἐμοῦ παραδιδόντος οὗτος παραλαβεῖν οὐκ ἥθελε, δίκαιον καὶ περὶ τούτου τὴν αὐ-  
τὴν γνώμην σχεῖν, ἄλλως τε καὶ τοῦ κινδύνου οὐκ ἵστην  
37 ἀμφοτέροις ὅντος. περὶ ἐμοῦ μὲν γὰρ εἰ ἐλεγον ἀ οὗτος ἐβούλετο, οὐδ' ἀν ἀπολογήσασθαι μοι ἔξεγένετο· τούτῳ  
205 δ' εἰ μὴ ὠμολόγουν, οὐδεμιὰ ζημίᾳ ἔνοχος ἦν. ὕστε πολὺ

35. οὐκ ἥθελεν: see on XII. 58.—  
οὐδὲν . . . πιστόν: cf. v. 3, ὑμᾶς δὲ ἀξιον  
μὴ τοὺς μὲν τῶν θεραπόντων λόγους πι-  
στὸν νομίζειν . . . § 4, ἵσται γὰρ δτι, ἀν  
ψευδόμενοι ἐλεγχθῶσιν, οὐδὲν μεῖζον τῶν  
ὑπαρχόντων πείσονται, ἔτι δὲ ὑμᾶς ἔξα-  
πατήσωσι, τῶν παρόντων κακῶν ἔσονται  
ἀπηλλαγμένοι. There Lysias holds a  
brief against slave evidence; here he  
must speak in its favour as he does in  
what follows. Naturally it was easy  
to argue on either side, and there is  
much of this in both orators and  
rhetoricians.—εἰ . . . μὲν . . . δέ: cf. XII.  
36.—κακονούστατοι: in spite of the  
comparative kindness with which  
Athenian slaves were treated and  
the close intimacy to which they were  
often admitted by their masters (see  
Becker's *Charicles*, Göll's edition, III,  
p. 23 ff.; English, p. 365 ff.), such a  
passage as this shows that the natural

antagonism would out; cf. Plat. *Legg.*  
756 E, δοῦλοι γάρ ἀν καὶ δεσπόται οὐκ ἀν  
ποτε γένοιντο φίλοι. — βασανιζόμενοι:—  
supplementary partic. agreeing with  
subject, for ἀνέχεσθαι here is intransitive.  
But see on § 30.—κακῶν: generally  
here taken as referring to the  
torture, but it may mean (as in v. 4  
quoted above) their state of slavery;  
see on § 16.

36. ἐμαυτῷ συνειδέναι: 'conscience stricken,' 'conscious of guilt,' used  
absolutely as in Lycurg. *Leocr.* 30,  
οὗτοι δὲ διὰ τὸ συνειδέναι ἔαντῳ οὐκ  
ὑπέμεινεν ἀλλ' ἔφυγε (cf. *consciis*  
sibi, Sall. *Jug.* 40.2); generally with  
an accompanying acc. or participle.  
—σχεῖν: 'form.' On the tense, see  
on ἐπεδήμησε, XII. 71.

37. εἰ ἐλεγον: i.e. 'if their testimony  
had been such.' — ζημίᾳ: in olive-tree  
cases, the accuser was not punished if

μᾶλλον τοῦτον παραλαμβάνειν ἐχρῆν ἢ ἐμὲ παραδοῦναι προσῆκεν. ἔγὼ τοίνυν εἰς τοῦτο προθυμίας ἀφικόμην, ἥγούμενος μετ' ἐμοῦ ἐīναι καὶ ἐκ βασάνων καὶ ἐκ μαρτύρων καὶ ἐκ τεκμηρίων ὑμᾶς περὶ τοῦ πράγματος τάληθή 38 πυθέσθαι. ἐνθυμεῖσθαι δὲ χρή, ὡς βουλή, ποτέροις χρὴ πιστεύειν μᾶλλον, οἷς πολλοὶ μεμαρτυρήκασιν ἢ φῶ μηδεὶς τετόλμηκε, καὶ πότερον εἰκὸς μᾶλλον τοῦτον ἀκινδύνως ψεύδεσθαι ἢ μετὰ τοσούτουν κινδύνου τοιοῦτον ἐμὲ ἔργον ἔργαστασθαι, καὶ πότερον οἴεσθε αὐτὸν ὑπὲρ τῆς πόλεως 39 βοηθεῖν ἢ συκοφαντοῦντα αἰτιάσασθαι. ἔγὼ μὲν γὰρ εἰδέναι ὑμᾶς ἥγοῦμαι ὅτι Νικόμαχος ὑπὸ τῶν ἐχθρῶν πεισθεὶς τῶν ἐμῶν τοῦτον τὸν ἀγῶνα ἀγωνίζεται, οὐχ ὡς ἀδικοῦντα ἐλπίζων ἀποδείξειν, ἀλλ' ὡς ἀργύριον παρ' ἐμοῦ λήψεσθαι προσδοκῶν. ὅσῳ γὰρ οἱ τοιοῦτοι εἰσιν ἐπαι-

he did not get the usually required one-fifth of the votes; see Introd. § 49, and M. and S. p. 952. But he was liable for any serious damage done to the slaves under torture, *ibid.* p. 892. — **ἔνοχος** ἦν: equiv. to a potential indic. with *ἄν*, and hence an apod. of an unreal condition. GMT. 431.—**μετ'** ἐμοῦ: 'for my interest.' See App.

38. *οἰς* ἡ . . . φῶ: by the use of the plur. *οἰς*, the speaker treats himself as one of a class, and then draws particular attention to his opponent by the sing. φῶ. — **μηδεὶς**: indef.; see on § 11. — **ἀκινδύνως**: see on *ἱημίᾳ*, § 37. — **βοηθεῖν**: cf. § 20, *εἰ τῆς πόλεως ἔνεκα ἔπραττες*. — **συκοφαντοῦντα**: here the charge of 'sycophancy' (already referred to in §§ 1 and 23) is more closely pressed. It was a very common form of invective in the courts. The speaker in xxii. 1 protests against its applica-

tion to him; see also on xii. 2. On the 'sycophants,' see Smith, *Dict. Antiq.* s.v. *sycophantes*.

39. **ἔγὼ μέν**: 'I for my part,' frequently so used without a following δέ. See note on § 5, and cf. Kr. *Spr.* 69, 35, 2. — **ἐχθρῶν**: perhaps he includes γέλτονες διάφοροι. — **ώς**: belongs to ἐλπίζων, as the following *ώς* to *προσδοκῶν*. — **ἀργύριον**: the *chantage* or blackmail form of sycophancy is meant; cf. the rich Crito's complaint about the sycophants, *νῦν γὰρ ἐμέ τινες εἰς δίκας ἄγουσιν, οὐχ ὅτι ἀδικοῦνται ὑπ' ἐμοῦ, ἀλλ' ὅτι νομίζουσιν ἥδιον ἀν με ἀργύριον τελέσαι ἢ πράγματα ἔχειν, Xen. *Mem.* ii. 9. 1. — **ὅσῳ**: see on § 7. — **ἐπαιτιώτατοι**: means with *ὅσῳ*, *the more blame such suits (κινδύνων) cause, i.e. the more invidious they are.* The adj. is active and causal in sense, as in Thuc. v. 65. 2, *τῆς ἐξ Ἀργούς ἐπαι-**

220 τιώτατοι καὶ ἀπορώτατοι τῶν κινδύνων, τοσούτῳ πάντες  
**40** αὐτοὺς φεύγουσι μάλιστα. ἐγὼ δέ, ὡς βουλή, οὐκ ἡξίουν,  
 ἀλλ' ἐπειδήπερ με ἥπιάσατο, παρέσχον ἐμαυτὸν ὅ τι βού-  
 λεσθε χρῆσθαι, καὶ τούτου ἔνεκα τοῦ κινδύνου οὐδενὶ ἐγὼ  
 τῶν ἔχθρῶν διηλλάγην, οἷς ἐμὲ ἥδιον κακῶς λέγουσιν ἢ  
 225 σφᾶς αὐτοὺς ἐπαινοῦσι, καὶ φανερῶς μὲν οὐδεὶς πώποτε  
 ἐμὲ αὐτῶν ἐπεχείρησε ποιῆσαι κακὸν οὐδέν, τοιούτους δὲ  
 ἐπιπέμπουσί μοι, οὓς ὑμεῖς οὐκ ἀν δικαίως πιστεύοιτε.  
**41** πάντων γὰρ ἀθλιώτατος ἀν γενοίμην, εἰ φυγὰς ἀδίκως  
 καταστήσομαι, ἄπαις μὲν ὡν καὶ μόνος, ἐρήμου δὲ τοῦ  
 230 οἴκου γενομένου, μητρὸς δὲ πάντων ἐνδεοῦς, πατρίδος δὲ  
 τοιαύτης ἐπ' αἰσχίσταις στερηθεὶς αἰτίαις, πολλὰς μὲν  
 ναυμαχίας ὑπὲρ αὐτῆς νεναυμαχηκώς, πολλὰς δὲ μάχας  
 μεμαχημένος, κόσμιον δ' ἐμαυτὸν καὶ ἐν δημοκρατίᾳ καὶ  
 ἐν δলιγαρχίᾳ παρασχών.

**42** Ἀλλὰ γάρ, ὡς βουλή, ταῦτα μὲν ἐνθάδε οὐκ οἰδ' ὅ τι  
 δει λέγειν ἀπέδειξα δ' ὑμῖν ὡς οὐκ ἐνῆν σηκὸς ἐν τῷ  
 χωρίῳ καὶ μάρτυρας παρεσχόμην καὶ τεκμήρια. ἂν χρὴ  
 μεμυημένους διαγιγνώσκειν περὶ τοῦ πράγματος, καὶ

τὸν ἀναχωρήσεως, the retreat which had caused him (Agis) to be blamed. See App.—**ἀπορώτατοι**: cf. § 2.—**φεύγουσι**: avoid, sc. by buying off their accusers.

**40. αὐτῶν**: instead of ὡν; see on **xxxii. 27.**—**ἐπιπέμπουσι**: set on, let loose; so of the Sphinx, ἀν διατάσθαι τὰ αὐτοῦ, μὴ ἐρημον καταληπτη τὸν οἴκον, εἰ τι πάθοι.

**41. ἐρήμους**: desolate, that is, with no heirs to succeed. The adj. is common in this sense in Isaeus, as in **vi. 5**, ἔδοξεν αὐτῷ διαθέσθαι τὰ αὐτοῦ, μὴ ἐρημον καταληπτη τὸν οἴκον, εἰ τι πάθοι.

— **κόσμιον**: a highly complimentary

epithet, cf. **xii. 20, xvi. 18, xxii. 19**, and **xxi. 19**, ἡγουμένους ταύτην εἶναι τὴν ληγουργίαν ἐπιπονωτάτην, διὰ τέλους τὸν πάντα χρόνον κόσμιον εἶναι καὶ σώφρονα.

**42. ἐνθάδε**: i.e. before the Areopagus, where speakers were expected to keep more closely to the point than in other courts; cf. **iii. 46**, παρ' ὑμῖν (the Areopagites) οὐ νόμιμον ἐστιν ἔξι τοῦ πράγματος λέγειν. See M. and S. p. 933. The appeal to pity (§ 41) is therefore brief, and so is the summary of the speech in this epilogue.—**πυθέσθαι** ὅτου ἔνεκα: three verbs depend on these words,

ἀξιοῦν παρὰ τούτου πυθέσθαι ὅτου ἔνεκα, ἐξὸν ἐπ' αὐτο-  
 240 φώρῳ ἐλέγξαι, τοσούτῳ χρόνῳ ὕστερον εἰς τοσοῦτόν με  
**43** κατέστησεν ἀγῶνα, καὶ μάρτυρα οὐδένα παρασχόμενος ἐκ  
 τῶν λόγων ζητεῖ πιστὸς γενέσθαι, ἐξὸν αὐτοῖς τοῖς ἔργοις  
 ἀδικοῦντα ἀποδεῖξαι, καὶ ἐμοῦ ἅπαντας παραδιδόντος  
 τοὺς θεράποντας οὓς φησι παραγενέσθαι, παραλαβεῖν  
 245 οὐκ ἥθελεν:

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 κατέστησεν, ζητεῖ, ἥθελεν. — ἐπ' αὐτο-

φώρῳ: see on § 20.

43. ἐκ: of ground for confidence,  
 frequent with *πιστός* and *πιστεύειν*.

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## AGAINST ERATOSTHENES.

### INTRODUCTION.

THIS speech, as the Greek title shows, was delivered by Lysias himself, and it is unique among his extant forensic orations in this particular. Its subject-matter is of great biographical and historical value. In it Lysias gives some incidents in his own life up to the time of the Anarchy, and an account, from a thoroughly hostile point of view, of the government of the Thirty Tyrants. Both these matters have already been treated in a general way in the Introduction to this book, and specific points find mention in the notes and appendix to this speech. It remains, therefore, to deal here with Eratosthenes and with the occasion on which the speech was delivered.

Eratosthenes, here accused of the murder of Lysias's brother Polemarchus, first appears in history in the time of the Four Hundred. The oligarchs in Athens had sent out their emissaries to tamper with the Athenian forces on the coast of Asia Minor,<sup>1</sup> and such a mission seems to have been held by Eratosthenes at the naval station on the Hellespont. But the cause of the oligarchs failed on the Hellespont as completely as in the fleet at Samos, and Eratosthenes deserted the ship of which he was trierarch, and returned to Athens.<sup>2</sup> From the silence of Lysias it is evident that Eratosthenes was not one of the Four Hundred, although he is accused of favouring their designs. The orator can find nothing against him in his life for the next six years.<sup>3</sup> It is possible that he joined Theramenes and his friends in overthrowing the first oligarchy, but Lysias would naturally say nothing of such a democratic action.<sup>4</sup>

<sup>1</sup> See on § 42.

<sup>3</sup> § 43.

<sup>2</sup> § 42.

<sup>4</sup> § 67.

After Aegos Potami the oligarchs, whose clubs had probably never ceased their activity in secret, began to come forward more openly. They chose a ‘central committee’ of five called ephors,<sup>5</sup> and Eratosthenes was one of these. It cannot be said that he played an important part in the committee, for Lysias can prove only that he was a member of it.<sup>6</sup> He did, however, become one of the Thirty Tyrants. This is a fact mentioned by Xenophon,<sup>7</sup> the only ancient historian who names Eratosthenes. He may have been one of the ten persons nominated by Theramenes.<sup>8</sup> It comes out clearly from the account of his share in the arbitrary government of the Thirty that he belonged to the moderate faction, and that he obeyed the tyrannical majority only against his will. Even Lysias himself can make no serious answer to the defence brought forward by the advocates of Eratosthenes that he had done less wrong than any other member of the Thirty.<sup>9</sup> He joined Theramenes in opposing the measures against the metics which led to the death of Polemarchus, but he was no more able than his leader to induce the majority to take moderate views.<sup>10</sup> After the death of Theramenes the moderates seem to have been for a time completely at the mercy of the terrorists, and Eratosthenes, with the rest, had to choose between death and submission. In this crisis he was found wanting, and took part, to his shame, in the outrages in Eleusis and Salamis.<sup>11</sup>

But with the defeat of the Thirty at Munychia and the death of Critias, the moderate party raised its head once more. Eratosthenes, with Phidion and other opponents of the party of Critias,<sup>12</sup> stayed in Athens when the majority of the Thirty fled to Eleusis, and Phidion was chosen one of the First Ten who succeeded to the government. Eratosthenes was not one of these, but Lysias insin-

<sup>5</sup> § 43. Boerner (*De rebus a Gracis inde ab anno 410 usque ad annum 403 a. Chr. n. gestis*, Göttingen, 1894, p. 75 ff.) endeavours to prove that the ephors were regularly constituted magistrates who governed Athens from the beginning of the official year in which the

Thirty were chosen until the Thirty were elected. But see Beloch, *Att. Polit. seit Perikles*, p. 93.

<sup>6</sup> § 46.

<sup>8</sup> § 76.

<sup>10</sup> §§ 25, 27, 50.

<sup>12</sup> § 55.

<sup>7</sup> *Hellen.* ii. 3. 2.

<sup>9</sup> § 89.

<sup>11</sup> § 52.

uates that he had such an evil influence<sup>13</sup> with Phidion and the others that they disappointed the people and did not carry out the purpose for which they had been chosen, the reconciliation of the democrats and the oligarchs.<sup>14</sup> Of course he was not a member of the Second Ten, a body not mentioned by Lysias,<sup>15</sup> for his past membership in the Thirty would cut him off from being included among these patriots. Apparently, however, he remained in Athens during the five months of the First Ten's government, and until the triumphant entry of the followers of Thrasybulus.

Thus it was that Lysias on his return to Athens found there the very man through whose agency Polemarchus had been delivered over to the Thirty for execution. Eratosthenes had not gone to Eleusis under the terms of the amnesty,<sup>16</sup> for, once there, he could not have been brought back to answer such a charge as Lysias had to make.<sup>17</sup> But remaining as he did in Athens, he must have known that charges would be brought against him by his enemies, and hence he must have availed himself as soon as possible of that clause in the amnesty by which those of the Thirty who chose to submit their accounts of office ( $\epsilon\tilde{\nu}\theta\upsilon\nu\tau\alpha$ <sup>18</sup>) were no longer liable to

<sup>13</sup> § 58.

<sup>14</sup> Why was not Eratosthenes one of the First Ten? Was it because Phidion and his associates were not really of the party of Theramenes, but held a middle ground between them and Critias, while Eratosthenes belonged to Theramenes out and out? Or was it because Phidion and his colleagues were real favourers of the Thirty, and were chosen by a trick played on the people? If the latter is the true explanation, Eratosthenes, as a known opponent of the Thirty, would not have been a member of this Ten.

<sup>15</sup> See App. to § 60.

<sup>16</sup> A general amnesty followed the year of anarchy. From it were excepted the Thirty, the First Ten, the Eleven, and the Ten who had governed

in the Piraeus, unless they were willing to submit to  $\epsilon\tilde{\nu}\theta\upsilon\nu\tau\alpha$  for their official acts. Eleusis was recognized as an asylum in which the Thirty and any others who feared to return to Athens might remain unmolested. See Xen. *Hellen.* ii. 4. 38, and Arist. *Resp. Ath.* 39.

<sup>17</sup> If past murders are included under the provision in Arist. *Resp. Ath.* 39, τὰς δὲ δίκας τοῦ φόνου εἶναι κατὰ τὰ πάτρια, εἴ τις τινα αὐτόχειρ ἀπέκτεινεν η̄ ξέρωσεν, this would not apply to Eratosthenes, who had not killed Polemarchus with his own hand. However doubtful the rest of the text is here (I follow Sandys), still  $\alpha\tilde{\nu}\tau\omega\chi\epsilon\iota\pi$  or something of similar meaning, like  $\alpha\tilde{\nu}\tau\omega\chi\epsilon\iota\pi\alpha$  or  $\alpha\tilde{\nu}\tau\omega\chi\epsilon\iota\pi\alpha$ , must be read.

<sup>18</sup> See Introd. § 7.

attacks for the past.<sup>19</sup> This would be the easiest way once and for all to have done with those who had anything against him.<sup>20</sup> The solemn entry of the patriots from the Piraeus took place on the 12th of Boëdromion (September), b.c. 403.<sup>21</sup> Soon afterwards the regular magistracies were restored and the courts reopened. Among the first cases to come before the *λογισταί*<sup>22</sup> would be those of Eratosthenes, Phidon, or others among the Thirty, of the two Tens, of the Ten who had governed the Piraeus, and of the Eleven. As charges would naturally be brought against such men (except against the Second Ten<sup>23</sup>) by different accusers,<sup>24</sup> the courts prob-

<sup>19</sup> It has sometimes been thought (with Lübbert, *De amnestia anno CCCCIII decreta*, but against him see Grasser, *Amnestie des Jahres 403*) that the oaths of confirmation of the amnesty were not sworn until after the final overthrow of the Thirty in Eleusis. Cf. Xen. *Hellen.* ii. 4. 43. But Arist. *Resp. Ath.* 40, διελύθησαν δὲ καὶ πρὸς τοὺς ἐν Ἐλευσῖνι κατοικήσαντας ἔτει τρίτῳ μετὰ τὴν ἔξοικησιν, ἐπὶ Σενανέτου ἀρχοντος (b.c. 401-0), shows that this final overthrow did not take place until two years after the democracy was restored. Hence Xenophon, unless absolutely at fault, can refer only to a reaffirmation of the oaths. It cannot be supposed that Eratosthenes's trial occurred so late as this.

<sup>20</sup> For further arguments in support of the view that the speech was delivered at an accounting, see Blass, *Att. Bereds.* I, p. 540 ff.; M. and S. p. 257 f.; Jebb, *Attic Orators*, I, p. 262; Weidner, in his edition of Lysias, p. 33; Wilamowitz, *Aristoteles und Athen*, II, p. 217 ff. (who notes that ἡκουσιν ἀπολογησόμενοι, in § 22, cf. § 84, shows that Eratosthenes came voluntarily to the court). On the other hand, Fuhr and

Gebauer in their editions (p. 18, p. 17) hold that Eratosthenes was tried for murder in the court at the Palladium. Their strongest argument is that there is no direct mention of an *εὑθυνα* in the text. But the same sort of argument is equally strong against them; for Lysias in the first part of his speech makes almost as much of the pillage of his property as he does of the execution of his brother, and he does not even mention Polemarchus in his recapitulation at the end. Further, the action of Archinus (Arist. *Resp. Ath.* 40) in persuading the Senate to put to death without trial a person who had broken the oath *μὴ μνησικακεῖν* makes it very doubtful whether the partisans of the Thirty were at this time brought to court in any cases except those of *εὑθυναι*.

<sup>21</sup> Plut. *Moralia*, p. 349 F.

<sup>22</sup> See Introd. § 7.

<sup>23</sup> We have the express statement in Arist. *Resp. Ath.* 38 that no accuser appeared at the *εὑθυναι* of the Second Ten.

<sup>24</sup> So Weidner, *ibid.* See below on *ἡμῶν*, § 100.

ably sat a number of times in the cases that the *λογισταί* saw fit to bring forward, and these cases would follow in close succession, if some of them were not actually tried simultaneously in different Heliastic courts.<sup>25</sup> Among the accusers at the *εὐθυναι* of Eratosthenes was Lysias. It was his moral duty, as next of kin to Polemarchus, to accuse the man who had been the agent in the murder, and he was entitled to do it in person either as an ordinary metic or as an isoteles.<sup>26</sup> For even metics had the right to bring either public or private suits in cases of injury committed against them personally, and, by all Greek moral law, Lysias had suffered such an injury in the murder of his brother. Perhaps as a metic<sup>27</sup> he needed a patron (*προστάτης*) at the preliminary hearing before the *λογισταί*, but before the Heliasts he could come forward and plead independently.<sup>28</sup>

According to the law, the accuser was bound in a *γραφὴ περὶ τῶν εὐθυνῶν* to state some specific act whereby the retiring official had injured him,<sup>29</sup> and not simply to bring sweeping charges. Hence Lysias specifies the murder of his brother. But Eratosthenes had not killed Polemarchus with his own hand, and he had several

<sup>25</sup> Hence one reason for the use of the pl. *οὗτοι* and the like in this speech. This use, where the pl. is not a mere rhetorical amplification behind which Eratosthenes stands as the representative of the whole Thirty (whose future punishment or acquittal is, according to Lysias, to depend on this test case), may refer to the *εὐθυναι* of Phidon and others going on at the same time. The principal passages are §§ 2, 22, 35, 36, 79, 80, 85, 86, 91, 100. But such places as 'Ερατοσθένους κιδυνεύοντος, § 62, and τούτον καταψηφιεῖσθε, § 90, show that Eratosthenes was the actual defendant in this particular trial.

<sup>26</sup> So Weidner, *ibid.*; Blass, *Att. Bereds.* I, p. 542; M. and S. p. 257, note 148, p. 266, note 182; Wilamowitz,

*ibid.* p. 221. This view is doubted by Fuhr, p. 12, and note 2. But to believe that metics had no right to appear as accusers at the *εὐθυναι* is virtually to suppose that officials were irresponsible for acts committed against them.

<sup>27</sup> See Introd. § 15 and note 32 upon it.

<sup>28</sup> M. and S. p. 753.

<sup>29</sup> M. and S. p. 266, and note 182. But just as in his *δοκιμαστα*, Mantitheus thought it proper (xvi. 9), after answering the specific charge, to give an account of his whole life, so at his *εὐθυναι* Eratosthenes doubtless did the same; and hence probably the accusers were not held to the strict letter of the law in their attacks. On the general nature of the *δοκιμαστα*, see Introd. § 8.

lines of defence,—such as that the Thirty had forced him to make the arrest, and that he had not been in favour of the killing of the metics, but, on the contrary, had opposed it. Lysias, therefore, does not confine himself to the specific charge. In fact he devotes to it only a little more than the first third of the speech (§§ 1–36). The remainder consists of an arraignment of the whole body of Tyrants and of the putting forth of the claim that Eratosthenes, as a member of the government, must bear the blame and be held responsible for all its acts. But Lysias does not rest even here. He goes back into the history of earlier attempts to establish an oligarchy in Athens, in order to show the part taken in these attempts by Eratosthenes and his friends and fellow-rulers, particularly Phidion and Theramenes (§§ 37–61). On his friendship with the latter Eratosthenes chiefly relied, because at the time of this trial the people of Athens had forgotten that Theramenes was ever their enemy, in their admiration of his stand against Critias. He had atoned for all his faults by a martyr's death. Hence it is Lysias's object to blacken the character of Theramenes as much as he can, and he devotes a good part of his speech to the attempt.<sup>30</sup> After this digression (§§ 62–78), he returns again to the general attack on the Thirty, calls for capital punishment on their representative (§§ 79–85, 90–91), sneers at the arguments of the advocates and witnesses of Eratosthenes (§§ 86–89), exhorts the democrats and the ex-oligarchs among the judges alike to do their duty in this test case (§§ 92–98), and closes with an appeal to the memory of the dead (§§ 99–100).

From the tone of the address to the judges one might think that Lysias felt that there could not be two opinions about the verdict that must follow. And yet he must have known how great were the chances against a conviction. The judges were composed of men of all parties, chosen by the lot. Many of them, who had

<sup>30</sup> On the truthfulness of the attack, see the notes and appendix to these sections (62–78); also *Der Athener Theramenes*, an exhaustive monograph by

Dr. Carl Pöhl in *Jahrbücher, Supplementb.* IX, 1877, p. 227 ff. The judicious view there taken is strongly confirmed by Aristotle, *Resp. Ath.* 28. 5.

belonged to the city party, hated the Thirty indeed, but still they were not democrats. Some had belonged like Eratosthenes himself to the faction of Theramenes, and the partisans of the First Ten were probably represented. Even in the Piraeus party there were men who wanted only a moderate, not a downright democracy. All these different men knew that Eratosthenes had never been prominent in the Thirty's crises (§ 89); all would see in a verdict against him a judgment passed on their own personal and party views. There was in the minds of democrats and oligarchs alike an inclination to forget the past and not to increase the list, already too long, of the victims of that year of blood. It was only later that party feeling and party revenge were manifested in all their bitterness.<sup>31</sup> Further, Eratosthenes had defenders. Men of position were ready to be his advocates<sup>32</sup>; he had plenty of witnesses.<sup>33</sup> But Lysias found it difficult to get witnesses to support his main charge because the men he wanted had been members of the oligarchical clubs.<sup>34</sup> The actual verdict is not known. However, several years later, in 399-8, one of the Thirty (probably either Phidion or Eratosthenes) was brought before the Areopagus on a charge of wilful murder.<sup>35</sup> Hence, if not actually acquitted at their *εὐθυναι*, Eratosthenes and Phidion may have merely suffered *ἀτιμία*,<sup>36</sup> being prohibited from holding office, voting in the Assembly, or from being present at sacrifices and festivals. A fine may have been inflicted, so large that *ἀτιμία* was the legal result of their inability to pay it. Whatever the verdict was, the public appearance of Lysias and his brilliant speech must have been of great assistance to him in his new profession of *λογογράφος*.

<sup>31</sup> See Lys. xviii and xxv, and on Archinus in note 20 above.

<sup>32</sup> §§ 86-88.

<sup>33</sup> § 87.

<sup>34</sup> § 46 f.

<sup>35</sup> Lys. x. 31. The speaker was born in 417, so that his *δοκιμαστα εἰς ἀγόρας* could not have taken place before 399 B.C. (Weidner, *ibid.* p. 34).

<sup>36</sup> See Introd. § 51.

# ΚΑΤ' ΕΡΑΤΟΣΘΕΝΟΥΣ

ΤΟΤ ΓΕΝΟΜΕΝΟΤ ΤΩΝ ΤΡΙΑΚΟΝΤΑ, ΟΝ ΑΤΤΟΣ  
ΕΙΠΕ ΛΤΣΙΑΣ.

1 Οὐκ ἄρξασθαί μοι δοκεῖ ἄπορον εἶναι, ὃ ἀνδρες δικασταί, τῆς κατηγορίας, ἀλλὰ παύσασθαι λέγοντι· τοιαῦτα αὐτοῖς τὸ μέγεθος καὶ τοσαῦτα τὸ πλῆθος εἰργασται, ὥστε μήτ' ἀν ψευδόμενον δεινότερα τῶν ὑπαρχόντων κατηγορῆσσαι, μήτε τάληθῆ βουλόμενον εἰπεῖν ἄπαντα δύνασθαι, ἀλλ' ἀνάγκη ἡ τὸν κατήγορον ἀπειπεῖν ἡ τὸν χρόνον ἐπιλιπεῖν. τούναντίον δέ μοι δοκοῦμεν πείσεσθαι ἡ ἐν τῷ πρὸ τοῦ χρόνῳ πρότερον μὲν γὰρ ἔδει τὴν ἔχθραν τοὺς

1. ἄρξασθαι: cf. Cic. *de Imp. Pomp.* 3, huius orationis difficultius est exitum quam principium invenire.—λέγοντι: partic. with verb of ceasing; cf. § 100. G. 1580; H. 981. The dat. is assimilated to *μοι* (G. 928, 1; H. 941), cf. xxii. 8.—τοιαῦτα: on the asyndeton, see App.—αὐτοῖς: Eratosthenes and his colleagues.—ἄν: on its position, see G. 1311; H. 862. With δύνασθαι it forms the apod. to *ψευδόμενον*, if one took to lying, and to *βουλόμενον*. The inf. κατηγορῆσαι depends on δύνασθαι, but εἰπεῖν belongs equally to *βουλόμενον* and to δύνασθαι. On ὥστε μήτ' ἀν δύνασθαι, a potential expression, not in indir. disc., see GMT.

592.—ἀνάγκη: see App.—ἐπιλιπεῖν: intrans., fail, run out.

2. τούναντον πείσεσθαι: our experience will be contrary.—πρὸ τοῦ: before this, former, the phrase serving as adj. τοῦ is here demonstrative. G. 984; H. 655d; and see on xxiii. 8.—ἔχθραν: personal enmity. In order to avoid the suspicion of being a sycophant (cf. xxii. 1) or a busybody, it was the custom to state one's personal grievance in bringing a suit. Cf. [Dem.] LIII. 1, οὐ συκοφαντῶν ἀλλ' ἀδικούμενος καὶ ὑβριζόμενος ὑπὸ τούτων, καὶ οἴμενος δεῖν τι μωρεῖσθαι (for in such circumstances Greek ethics taught that revenge was a duty; cf. Lys. XII. 23 and 60; XXIV. 1; XXXII. 22)

κατηγοροῦντας ἐπιδεῖξαι, ἥτις εἴη πρὸς τοὺς φεύγοντας· τοῦννὶ δὲ παρὰ τῶν φευγόντων χρὴ πυνθάνεσθαι, ἥτις ἦν αὐτοῖς πρὸς τὴν πόλιν ἔχθρα, ἀνθ' ὅτου τοιαῦτα ἐτόλμησαν εἰς αὐτὴν ἐξαμαρτάνειν. οὐ μέντοι ὡς οὐκ ἔχων οἰκείας ἔχθρας καὶ συμφορὰς τοὺς λόγους ποιοῦμαι, ἀλλ' ὡς ἄπασι πολλῆς ἀφθονίας οὕσης ὑπὲρ τῶν ἰδίων ἢ ὑπὲρ τῶν δημοσίων ὁργίζεσθαι. ἐγὼ μὲν οὖν, ὃ ἄνδρες δικασταί, οὗτοί ἐμαυτοῦ πώποτε οὔτε ἀλλότρια πράγματα πράξας τὸν ἡνάγκασμαὶ ὑπὸ τῶν γεγενημένων τούτους κατηγορεῖν, ὥστε πολλάκις εἰς πολλὴν ἀθυμίαν κατέστην, μὴ διὰ τὴν ἀπειρίαν ἀναξίως καὶ ἀδυνάτως ὑπὲρ τοῦ ἀδελφοῦ καὶ ἐμαυτοῦ τὴν κατηγορίαν ποιήσομαι· ὅμως δὲ πειράσομαι ὑμᾶς ἐξ ἀρχῆς ὡς ἀν δύνωμαι δι' ἐλαχίστων διδάξαι.

4 Οὐμὸς πατὴρ Κέφαλος ἐπείσθη μὲν ὑπὸ Περικλέους εἰς ταύτην τὴν γῆν ἀφικέσθαι, ἔτη δὲ τριάκοντα ὥκησε, καὶ οὐδενὶ πώποτε οὔτε ἡμεῖς οὔτε ἐκεῖνος δίκην οὔτε ἐδικαστά-

τὴν ἀπογραφὴν ἐποιησάμην.—**τοὺς φεύγοντας**: φεύγων is the regular word for defendant or accused.—**ἀνθ' ὅτου**: wherefore, that. The phrase is used loosely as a conjunction. H. 999.—**ὡς οὐκ ἔχων**: as one who has no. See G. 1574; H. 978; and cf. § 13 and xxxi. 24.—**τοὺς λόγους ποιοῦμαι**: a phrase used either of accusation as here and xxii. 1, or of defence as in xxiv. 26. It simply equals λέγω.

3. **πράγματα**: business of any sort, but freq. as here law business, law-suits.—**ὑπὸ τῶν γεγενημένων**: “ὑπὸ with a thing (*instead of a person*) personifies it, setting it in a sort of imaginative light,” Gildersleeve, *A. J. P.* VI, 488. Cf. xxiv. 6, 17; and see on vii. 21.—**κατέστην**: with

πολλάκις this aor. forms a transition from the common to the gnomic aorist. GMT. 156; cf. § 41; xxii. 16.—**ἀπειρίαν**: the section reads like the common plea for indulgence, but this was really Lysis's *début*.—**ποιήσομαι**: fut. indic. after a clause denoting fear, a rare usage. G. 1379; H. 887 b. See App.—**ὡς ἀν δύνωμαι**: for the mood, see on xvi. 9.—**δι' ἐλαχίστων**: for the usual διὰ βραχυτάτων of § 62, xvi. 9. See App.

4. **Κέφαλος**: on the facts, see Introd. § 15.—**ἡμεῖς**: we brothers.—**ἐδικασάμεθα**: for the active meaning, cf. § 100, and see G. 1245; H. 816, 8. The word generally applied to the plaintiff is διώκειν, esp. with φεύγειν. Cf. xxxii. 2.—**φέκοντεν**: note the

25 μεθα οὗτε ἐφύγομεν, ἀλλ' οὗτως ὡκοῦμεν δημοκρατούμενοι  
ώστε μήτε εἰς τὸν ἄλλον ἔξαμαρτάνειν μήτε ὑπὸ τῶν  
5 ἄλλων ἀδικεῖσθαι. ἐπειδὴ δ' οἱ τριάκοντα πονηροὶ καὶ  
συκοφάνται ὅντες εἰς τὴν ἀρχὴν κατέστησαν, φάσκοντες  
χρῆναι τῶν ἀδίκων καθαρὰν ποιῆσαι τὴν πόλιν καὶ τὸν  
30 λοιπὸν πολίτας ἐπ' ἀρετὴν καὶ δικαιοσύνην προτρέψαι,  
(τοιαῦτα λέγοντες οὐ τοιαῦτα ποιεῖν ἐτόλμων, ὡς ἐγὼ περὶ  
τῶν ἐμαυτοῦ πρῶτον εἰπὼν καὶ περὶ τῶν ὑμετέρων ἀναμνῆ-  
6 σαι πειράσομαι. Θέογνις γὰρ καὶ Πείσων ἐλεγον ἐν τοῖς  
τριάκοντα περὶ τῶν μετοίκων, ὡς εἴεν τινες τῇ πολιτείᾳ  
35 ἀχθόμενοι· καλλίστην οὖν εἶναι πρόφασιν τιμωρεῖσθαι  
μὲν δοκεῖν, τῷ δ' ἔργῳ χρηματίζεσθαι· πάντως δὲ τὴν μὲν  
7 πόλιν πένεσθαι, τὴν δ' ἀρχὴν δεῖσθαι χρήμάτων. καὶ  
τὸν ἀκούοντας οὐ χαλεπῶς ἐπειθον· ἀποκτιννύαι μὲν γὰρ  
ἀνθρώπους περὶ οὐδενὸς ἥγοῦντο, λαμβάνειν δὲ χρήματα  
40 περὶ πολλοῦ ἐποιοῦντο. ἔδοξεν οὖν αὐτοῖς δέκα συλλα-  
βεῖν, τούτων δὲ δύο πένητας, ἵνα αὐτοῖς ἢ πρὸς τὸν ἄλλους

tense, different from that of ἐφύγομεν.

G. 1259; H. 836. — *τιμωρεῖσθαι*

5. ἐπειδὴ δ' οἱ τριάκοντα κτλ.: cf. Xen. *Hellen.* ii. 3. 12, πρῶτον μὲν οὖς πάντες ἦδεσαν ἐν τῇ δημοκρατίᾳ ἀπὸ συκοφαντας ἤωντας καὶ τοὺς καλοὺς κάγαθοὺς βαρεῖς δηντας, συλλαμβάνοντες ὑπῆργον θανάτου. Lysias himself admits, xxv. 19, that the Thirty began well; so Arist. *Resp. Ath.* 35.—φάσκοντες: though pretending.—τῶν ἀδίκων καθαράν: cf. sceleris purus.—οὐ ἐτόλμων: very like ἥθελον with a neg. (cf. § 58) ‘could not bring themselves,’ cf. xxxii. 2. Without a neg. the verb sometimes means ‘have the heart to,’ cf. xxiv. 7; xxxii. 15, 20. For the ordinary meaning, see above, § 2.

6. ἐν: at meetings of, cf. § 69.—

μετοίκων: see Introd. § 15.—πολι-

τείᾳ: this word, in the orators generally reserved for the democracy (cf. xxxi. 32) is by Lysias applied also to the Thirty’s government. Here and in § 77 it is put into the mouths of members of the Thirty, but not so in xvi. 3, 5.—τιμωρεῖσθαι . . . χρηματίζεσθαι: note the chiastic order.

—πάντως: at any rate.—χρημάτων: esp. as pay for the Spartan troops, § 94, cf. Xen. *Hellen.* ii. 3. 21.

7. περὶ οὐδενὸς ἥγοῦντο: ‘they cared not a whit.’ See App.—ἥγοῦντο and ἐποιοῦντο: on the synonymous ending of the two members, see on xvi. 13. — δέκα: Xenophon says thirty, *Hellen.* ii. 3. 21, 40.—ἢ: for the mood, see on xvi. 6.—τὸν

ἀπολογία, ὡς οὐ χρημάτων ἔνεκα ταῦτα πέπρακται, ἀλλὰ συμφέροντα τῇ πολιτείᾳ γεγένηται, ὥσπερ τι τῶν ἄλλων 8 εὐλόγως πεποιηκότες. διαλαβόντες δὲ τὰς οἰκίας ἐβάδιζον· 45 καὶ ἐμὲ μὲν ξένους ἔστιωντα κατέλαβον, οὓς ἐξελάσαντες

Πείσωνι με παραδιδόσιν· οἱ δὲ ἄλλοι εἰς τὸ ἐργαστήριον ἐλθόντες τὰ ἀνδράποδα ἀπεγράφοντο. ἐγὼ δὲ Πείσωνα μὲν ἡρώτων εἰ βούλοιτό με σῶσαι χρήματα λαβών· ὁ δ' 9 ἔφασκεν, εἰ πολλὰ εἴη. εἶπον οὖν ὅτι τάλαντον ἀργυρίου 50 ἔτοιμος εἴην δοῦναι· ὁ δ' ὥμολόγησε ταῦτα ποιήσειν.

ἡπιστάμην μὲν οὖν ὅτι οὔτε θεοὺς οὔτ' ἀνθρώπους νομίζει, ὅμως δ' ἐκ τῶν παρόντων ἐδόκει μοι ἀναγκαιότατον εἶναι 10 πίστιν παρ' αὐτοῦ λαβεῖν. ἐπειδὴ δὲ ὥμοσεν, ἐξώλειαν ἔαυτῷ καὶ τοῖς παισὶν ἐπαρώμενος, λαβὼν τὸ τάλαντόν με 55 σώσειν, εἰσελθὼν εἰς τὸ δωμάτιον τὴν κιβωτὸν ἀνοίγνυμι· Πείσων δ' αἰσθόμενος εἰσέρχεται, καὶ ἵδων τὰ ἐνόντα καλεῖ

**ἄλλους**: the other eight. — **ὥσπερ . . . πεποιηκότες**: ‘just as on the adoption, on good grounds, of any other measure.’ On this use of the partic., see G. 1576; H. 978 a; and App. The partic. is pl. as if *ἴνα ἀπολογίαν ἔχωσιν* had preceded. H. 633.

**8. οἰκίας**: it was illegal to enter a man’s house against his will (see on xxiii. 2), but under the Thirty, said Thrasybulus (Xen. *Hellen.* ii. 4. 14), *δειπνοῦντες συνελαμβανόμεθα καὶ καθεύδοντες καὶ ἀγοράζοντες*. — **ἐμὲ μὲν**: in μὲν the thought of his brother is latent; see on vii. 5. — **ἀπεγράφοντο**: the usual word used of lists or inventories; M. and S. p. 304. — **ὁ δέ**: on the accent of the pronominal article, see G. 139, 981<sup>1</sup>; H. 272 b.

**9. τάλαντον ἀργυρίου**: see table of money, p. 206. — **ταῦτα**: this pl. is

freq. in Greek where we use sing.; cf. §§ 14 and 68. — **ποιήσειν**: for the mood, cf. § 10 σώσειν, § 14 ποιήσειν, and see on *μεταμελήσειν*, xvi. 2. — **θεοὺς . . . νομίζει**: the use of ἀνθρώπους is striking, for with θεοί this verb means believe in. See App. On the mood, see G. 1487; H. 933. — **ἐκ τῶν παρόντων**: the prep. denotes ground or inference, ‘judging from the present state of things.’ G. 1209 d; H. 798 d; see on xvi. 18.

**10. ὥμοσεν**: for the tense, see on *κατήλθετε*, xvi. 6. — **ἐπαρώμενος**: denotes manner. G. 1563, 3; H. 969 a. On the form of oath, see on xxxii. 13. — **λαβών**: prot. of σώσειν (G. 1563, 5; H. 969 d), which depends on *ὥμοσεν* (G. 1286; H. 948 a). — **δωμάτιον**: chamber, his bedroom, cubiculum.

τῶν ὑπηρετῶν δύο καὶ τὰ ἐν τῇ κιβωτῷ λαβεῖν ἐκέλευσεν.  
**11** ἐπειδὴ δὲ οὐχ ὅσον ὡμολόγητο εἰχεν, ὥς ἀνδρες δικασταί,  
 ἀλλὰ τρία τάλαντα ἀργυρίου καὶ τετρακοσίους κυζικηνοὺς  
 καὶ ἑκατὸν δαρεικοὺς καὶ φιάλας ἀργυρᾶς τέτταρας, ἐδεό-  
 μην αὐτοῦ ἐφόδια μοι δοῦναι, ὃ δ' ἀγαπήσειν με ἔφασκεν,  
**12** εἰ τὸ σῶμα σώσω. ἔξιοῦσι δ' ἐμοὶ καὶ Πείσωνι ἐπιτυγχά-  
 νει Μηλόβιός τε καὶ Μνησιθείδης ἐκ τοῦ ἐργαστηρίου  
 ἀπιόντες καὶ καταλαμβάνουσι πρὸς αὐτὰς τὰς θύρας καὶ  
**65** ἐρωτῶσιν ὅποι βαδίζοιμεν. ὃ δ' ἔφασκεν εἰς τάδελφοῦ τοῦ  
 ἐμοῦ, ἵνα καὶ τὰ ἐν ἑκείνῃ τῇ οἰκίᾳ σκέψηται. ἐκεῖνον μὲν  
 οὖν ἐκέλευνον βαδίζειν, ἐμὲ δὲ μεθ' αὐτῶν ἀκολουθεῖν εἰς  
**13** Δαμνίππου. Πείσων δὲ προσελθὼν σιγᾶν μοι παρεκελεύετο  
 καὶ θαρρεῖν, ὡς ἦξων ἐκεῖσε. καταλαμβάνομεν δὲ αὐτόθι

**11.** οὐχ ὅσον: emphatic, hence = οὐ τοσοῦτον μόνον δον, not only the sum . . . but. Cf. Thuc. i. 51. 1, ὑποτόπησαντες (*tὰς ναῦς*) ἀπ' Ἀθηνῶν εἶναι, οὐχ δοταί ἐώρων ἀλλὰ πλεόνς, and τοσαῦτα, § 95. — ὥς ἀνδρες: the invocation, as often, makes the statement more emphatic; cf. xvi. 16, 19. — **τάλαντα:** on the sum and on the coins which follow, see p. 206. — **φιάλας:** the φιάλη was a flat drinking cup, without handle or stem, shaped like a deep saucer, and was of earthenware or metal, often highly ornamented. — **ἐφόδια:** travelling expenses, cf. xvi. 14. — **ἀγαπήσειν . . . σώσω:** the dir. discourse was ἀγαπήσεις εἰ σώσεις, a cond. of the threatening or warning kind. G. 1405; cf. §§ 35 and 90; xxxi. 29. The mood of the prot. is unchanged from the dir. discourse. On the meaning of ἀγαπήσειν, 'only too glad,' cf. xxii. 15, and ἀγαπητῶς, xvi. 16.

**12.** **ἔξιοῦσι:** plural, though when a partic. which belongs to two or more subscts. precedes the first, it is often singular. Cf. § 72; so XIII. 17, γνὼς δὲ Θηραμένης καὶ οἱ ἄλλοι, *ibid.* 23, παραγενθεούσις δὲ Νικλας καὶ Νικομένης καὶ ἄλλοι. Cf. XII. 55, where it follows the first. Likewise sometimes a finite verb, as here ἐπιτυγχάνει, though ἀπιόντες follows; cf. Xen. *Anab.* ii. 4. 16, ἐπεμψέ με Ἀριαῖος καὶ Ἀρτάσος, πιστοὶ δύντες Κύρῳ. See G. 901; H. 607. — **Μηλόβιος:** all three men were of the Thirty; see the list in Xen. *Hellen.* ii. 3. 2. — **πρὸς . . . θύρας:** at the very door. See App. — **βαδίζοιμεν:** opt. because dependent on a historic present. G. 1268: — **εἰς Δαμνίππου:** on the omission, see G. 953; H. 730 a. Cf. τάδελφοῦ above. Of Damnippus we know nothing except from this oration.

**13.** **ώς:** see on § 2. — **φύχοντο:** they were gone. G. 1256; H. 827; cf. § 75

70 Θέογνιν ἐτέρούς φυλάττοντα· ὃ παραδόντες ἔμε πάλιν  
ῳχοντο. ἐν τοιούτῳ δ' ὅντι μοι κινδυνεύειν ἐδόκει, ὡς τοῦ  
14 γε ἀποθανεῖν ὑπάρχοντος ἥδη. καλέσας δὲ Δάμνιππον  
λέγω πρὸς αὐτὸν τάδε· “ἐπιτήδειος μέν μοι τυγχάνεις ὁν,  
ἥκω δ' εἰς τὴν σὴν οἰκίαν, ἀδικῶ δ' οὐδέν, χρημάτων δ'  
75 ἔνεκα ἀπόλλυμαι. σὺ οὖν ταῦτα πάσχοντί μοι πρόθυμον  
παράσχου τὴν σεαυτοῦ δύναμιν εἰς τὴν ἐμὴν σωτηρίαν.”  
ὅ δ' ὑπέσχετο ταῦτα ποιήσειν. ἐδόκει δ' αὐτῷ βέλτιον  
εἶναι πρὸς Θέογνιν μυησθῆναι· ἥγειτο γὰρ ἄπαν ποιήσειν  
15 αὐτόν, εἴ τις ἀργύριον διδοίη. ἐκείνου δὲ διαλεγομένου  
80 Θέόγνιδι (ἔμπειρος γὰρ ὁν ἐτύγχανον τῆς οἰκίας καὶ ἥδη  
ὅτι ἀμφίθυρος εἴη) ἐδόκει μοι ταύτη πειρᾶσθαι σωθῆναι,  
ἐνθυμουμένῳ ὅτι, ἐὰν μὲν λάθω, σωθήσομαι, ἐὰν δὲ ληφθῶ,  
ἥγούμην μέν, εἰ Θέογνις εἴη πεπεισμένος ὑπὸ τοῦ Δαμνίπ-

— ἐν τοιούτῳ: ‘in such a straight.’  
*Cf.* *xxx.* 3, *εἰς τοῦτο κατέστημεν*, and  
*Xen. Anab.* i. 7. 5, διὰ τὸ ἐν τοιούτῳ  
εἶναι τοῦ κινδύνου προσίστος.—τοῦ γε  
ἀποθανεῖν ὑπάρχοντος: as there was  
death to start with, at any rate.’ On  
the inf., see G. 1547; H. 959.

14. **ἥκω κτλ.**: note the short sentences, spoken with bated breath.—  
**ἀδικῶ**: translate as pf. (GMT. 27; H. 827).—**ἀπόλλυματ**: translate as fut. (GMT. 32); see on *Ἐλάμβανον*, § 27.—  
**πρόθυμον**: properly used only of persons, here transferred to *δύναμιν*. So with *ὅρμῃ*, *Plut. Philop.* 9. The phrase = *πρόθυμον παράσχου σεαυτὸν κατὰ τὴν σεαυτοῦ δύναμιν*.—**εἰς**: of purpose or end, rare in the orators. *Cf.* § 18, and *Isoctr.* VIII. 59, *εἰς τὰς ἐκκλησίας ἀργύριον ἀν παρέχομεν*. G. 1207 d; H. 796 c.—**διδοίη**: indir. disc.; the tense of the apod. shows the form of condition.

15. **ἀμφίθυρος**: *i.e.* it ran back to the next street and hence had a back as well as a front entrance.—**ταύτῃ**: *this way*, dat. of manner. G. 1181; H. 779 a. See App. — **ἥγούμην**: here the construction introduced by *ἐνθυμουμένῳ* ὅτι is varied. The natural apod. to *ἐὰν ληφθῶ* would have been *ἢ οὐδὲν ἡττον ἀφεθήσομαι ἢ ὅμοιως ἀποθανοῦμαι*. But the further supposition about Theognis came into Lysias’s mind, and he inserted *ἥγούμην* to prevent one cond. clause from following directly upon another (*ἐὰν ληφθῶ, εἰ Θέογνις εἴη*); hence the apod. of *ληφθῶ* becomes indir. discourse.—  
**μέν**: belongs properly to *εἰ εἴη*, not with *ἥγούμην*, but *μέν* is sometimes thus attached to the main verb upon which two contrasted clauses depend; *cf.* *Plat. Rep.* 334 C, *εἰκὼς μὲν, οὖς ἀν τις ἥγηται χρηστούς, φιλεῖν, οὖς δ' ἀν*

πον χρήματα λαβεῖν, οὐδὲν ἥττον ἀφεθήσεσθαι, εἰ δὲ μῆ,  
 16 ὄμοιώς ἀποθανεῖσθαι. ταῦτα διανοηθεὶς ἔφευγον, ἐκείνων  
   ἐπὶ τῇ αὐλείῳ θύρᾳ τὴν φυλακὴν ποιουμένων· τριῶν δὲ  
   θυρῶν οὐσῶν, ἃς ἔδει με διελθεῖν, ἅπασαι ἀνεῳγμέναι  
   ἔτυχον. ἀφικόμενος δὲ εἰς Ἀρχένεω τοῦ ναυκλήρου ἐκεῖ-  
   νον πέμπω εἰς ἄστυ, πενσόμενον περὶ τοῦ ἀδελφοῦ· ἦκων  
 90 δὲ ἔλεγεν ὅτι Ἐρατοσθένης αὐτὸν ἐν τῇ ὁδῷ λαβὼν εἰς τὸ  
 17 δεσμωτήριον ἀπαγάγοι. καὶ ἐγὼ μὲν τοιαῦτα πεπυσμένος  
   τῆς ἐπιούσης νυκτὸς διέπλευσα Μέγαράδε. Πολεμάρχῳ  
   δὲ παρήγγειλαν οἱ τριάκοντα τὸ ἐπ' ἐκείνων εἴθισμένον  
   παράγγελμα, πίνειν κώνειον, πρὶν τὴν αἰτίαν εἰπεῖν δι'  
 95 ἥντινα ἔμελλεν ἀποθανεῖσθαι· οὕτω πολλοῦ ἐδέσθε κριθῆ-  
 18 ναι καὶ ἀπολογήσασθαι. καὶ ἐπειδὴ ἀπεφέρετο ἐκ τοῦ

πονηρούς, μισεῖν. — ὄμοιώς: all the same.

16. **αὐλεία θύρᾳ**: *the front door*, by which one would pass from the *aὐλή* into the street.—**τριῶν θυρῶν**: on their position, see App.—**ἀνεῳγμέναι ἔτυχον**: ‘happened to be standing open,’ lit. *to have been opened*. Thus the pf. partic. retains its ordinary force. GMT. 147; see on § 27.—**ἄστυ**: Athens, where Polemarchus lived; the shipcaptain, like Lysias, lived in the Piraeus.—**ἦκων**: *came back*; see on xvi. 4.

17. **ἐπί**: of time. G. 1210, 1 b; H. 799, 1 c.—**κάνειον**: not the tree which we erroneously call hemlock (the hemlock-spruce), but the wild plant *conium maculatum*, ‘poison hemlock,’ of the umbelliferae order, like carrots, parsnips, etc. From the leaves is distilled the poison, called coniine or conia.—**πρὶν εἰπεῖν**: here = *without telling*. On

this use of *πρὶν*, cf. Aesch. III. 235, *πλείους ἢ χιλίους καὶ πεντακοσίους τῶν πολιτῶν ἀκρίτους ἀπέκτειναν* (sc. οἱ τριάκοντα) *πρὶν καὶ τὰς αἰτίας ἀκοῦσαι ἐφ'* *αἷς ἔμελλον ἀποθνήσκειν*. — **ἀποθανεῖσθαι**: on the tense, see on *κινδυνεύειν*, XVI. 13.—**πολλοῦ ἐδέσθε**: on this personal use of the act. of *δέω*, cf. XXIII. 13; XXIV. 1; and see H. 743 b. For the dependent inf., see G. 1524.—**κριθῆναι κτλ.**: this neglect of the legal forms is dwelt upon in §§ 81 and 82. It was an Athenian view that *ἀοικήτους* (*uninhabitable*) *εἶναι ταῦτα τῶν πόλεων* *ἐν αἷς ἀκριτοῖς τίνες ἀπόλλυνται τῶν πολιτῶν*, Isocr. XV. 22; yet even under the democracy men were sometimes executed untried. Cf. XIX. 7, XXV. 26, and the proposal in XXII. 2. For the Thirty’s practice, see Aeschines quoted above. The same number is given by Isocr. VII. 67; Arist. *Resp. Ath.* 35.

δεσμωτηρίου τεθνεώς, τριῶν ἡμῖν οἰκιῶν οὐσῶν ἐξ οὐδεμιᾶς εἴασαν ἐξενεχθῆναι, ἀλλὰ κλεισίον μισθωσάμενοι προύθεντο αὐτόν· καὶ πολλῶν ὄντων ἴματίων αἰτοῦσιν οὐδὲν 100 ἔδοσαν εἰς τὴν ταφήν, ἀλλὰ τῶν φίλων δὲ μὲν ἴματιον δὲ δὲ προσκεφάλαιον δὲ δὲ ὁ τι ἔκαστος ἔτυχεν ἔδωκεν εἰς τὴν 19 ἐκείνου ταφήν. καὶ ἔχοντες μὲν ἑπτακοσίας ἀσπίδας τῶν ἡμετέρων, ἔχοντες δὲ ἀργύριον καὶ χρυσίον τοσοῦτον, 105 χαλκὸν δὲ καὶ κόσμον καὶ ἔπιπλα καὶ ἴματια γυναικεῖα ὄστα οὐδεπώποτε ὤντο κτήσεσθαι, καὶ ἀνδράποδα εἴκοσι καὶ ἑκατόν, ὅν τὰ μὲν βέλτιστα ἔλαβον, τὰ δὲ λοιπὰ εἰς τὸ δημόσιον ἀπέδοσαν, εἰς τοσαύτην ἀπληστίαν καὶ αἰσχροκέρδειαν ἀφίκοντο καὶ τοῦ τρόπου τοῦ αὐτῶν ἀπόδειξιν ἐποιήσαντο· τῆς γὰρ Πολεμάρχου γυναικὸς χρυσοῦς ἐλικτῆρας, οὓς ἔχουσα ἔτύγχανεν, ὅτε τὸ πρῶτον ἥλθεν εἰς τὴν οἰκίαν Μηλόβιος, ἐκ τῶν ὕστων ἐξείλετο.

18. **οὐσῶν**: concessive, like **ὅντων** and **ἔχοντες** below. G. 1563, 6; H. 969 e: — **ἐξενεχθῆναι**: this, like **efferō**, was the regular word used of funerals. The corpse, washed and anointed, was dressed in white, crowned with flowers and laid out (*cf. προθεντο*) in the front part of the house on a couch (*κλίνη*) about which were set the flasks called *λήκυθοι*. Friends and relatives attended (but see on § 87) this lying in state (the *πρόθεσις*), and the funeral (*έκφορά*, § 87) followed early the next morning. See Hermann, *Privatalt.* p. 362 ff., or Becker's *Charicles*, English edition, p. 385 ff., and on § 21 below. — **κλεισίον**: *hut, hovel*. See App. — **ἔτυχεν**: on the omission of the participle, see G. 1586; H. 984 a; cf. XXIV. 20.

19. **τοσοῦτον**: with reference to § 11. — **χαλκόν**: raw material for shields. — **κόσμον**: *ornaments, 'objects of virtue,'* cf. Hdt. iii. 123, *τὸν κόσμον τὸν ἐκ τοῦ ἀνδρεῶν τοῦ Πολυκράτεος*. This included also men's and women's ornaments (Aesch. *Theb.* 397, Hdt. v. 92. 7), services of plate (Ath. p. 281 B), etc. — **καὶ τοῦ τρόπου**: after *εἰς τοσαύτην* a clause with *ὅστε* might follow, cf. XXXII. 19; but instead another statement is added in a co-ordinate clause. This statement is then justified by *τῆς γὰρ κτλ.* So XIII. 80, *οὗτος δὲ οὐτώ τολμηρὸς καὶ ἐκεῖ ἐγένετο συνηκολούθει γὰρ κτλ.* But see App. — **ἐλικτῆρας**: called also *ἐνώτια, ἐλλόβια*. Cf. in aures. — **ὅτε τὸ πρῶτον**: *as soon as*, although generally *τὸ πρῶτον* means *the first time*. See App.

—**20** καὶ οὐδὲ κατὰ τὸ ἐλάχιστον μέρος τῆς οὐσίας ἐλέου παρ’ αὐτῶν ἔτυγχανομέν, ἀλλ’ οὕτως εἰς ἡμᾶς διὰ τὰ χρήματα ἐξημάρτανον, ὥσπερ οὐδ’ ἀν ἔτεροι μεγάλων ἀδικημάτων  
 115 ὄργὴν ἔχοντες, σὺ τούτων ἀξίους γ’ ὅντας τῇ πόλει, ἀλλὰ πάσας μὲν τὰς χορηγίας χορηγήσαντας, πολλὰς δ’ εἰσφορὰς εἰσενεγκόντας, κοσμίους δ’ ἡμᾶς αὐτοὺς παρέχοντας καὶ πᾶν τὸ προστατόμενον ποιοῦντας, ἔχθρον δ’ οὐδένα  
 120 κεκτημένους, πολλοὺς δ’ Ἀθηναίων ἐκ τῶν πολεμίων λυσα-  
 μένους τοιούτων ἡξίωσαν, οὐχ ὁμοίως μετοικοῦντας ὥσπερ  
**21** αὐτοὶ ἐπολιτεύοντο. οὗτοι γὰρ πολλοὺς μὲν τῶν πολιτῶν εἰς τοὺς πολεμίους ἐξῆλασαν, πολλοὺς δ’ ἀδίκως ἀποκτεί-  
 ναντες ἀτάφους ἐποίησαν, πολλοὺς δ’ ἐπιτίμους ὅντας  
 ἀτίμους κατέστησαν, πολλῶν δὲ θυγατέρας μελλούσας

**20.** οὐδ’ ἀν ἔτεροι, sc. ἐξημάρτων (G. 1313; H. 863), of which ἔχοντες is protasis. G. 1413; H. 902. On the ethics, cf. §§ 2 and 60. — **πόλει:** dat. of interest or relation. G. 1172; H. 771; cf. Antiphon, vi. 10, χάριτος ἀξιον ἔναι τῇ πόλει. — **χορηγίας:** on the duty of the Chorēgus, see Gow, § 211; Gilbert, *Antiq.* p. 359; Smith, *Dict. Antiq.* s.v. To gain good-will speakers would often recount the performance of this and other public duties; see on § 38, and cf. vii. 31; xxii. 24. This scheme often worked well. But it is amusing to note how Lysias, having used it himself here, warns the judges against its employment by his adversary in § 38. — **εἰσφοράς:** special war-taxes, levied according to property; see Gow, p. 132; Gilbert, *Antiq.* p. 364. Cf. vii. 31; xxii. 13. — **κοσ-μίους:** for the meaning, see on vii. 41. — **λυσαρένους:** the λύσις αἰχμαλώτων

was one of those acts of humanity of which speakers had good reason to be proud; cf. Dem. viii. 70; ἔχων καὶ τριηραρχίας εἰπεῖν καὶ χορηγίας καὶ χρημάτων εἰσφορὰς καὶ λύσεις αἰχμαλώτων καὶ τοιαντάς ἀλλας φίλανθρωπίας.—  
**ἡξίωσαν:** a new construction (anacoluthon, H. 1063), for all the participles might depend on the first ἡμᾶς, but now ἡξίωσαν τοιούτων picks up the threads and sums up the whole. — **οὐχ ὁμοίως:** litotes. ‘We as metics were better than they as citizens.’

**21.** εἰς τοὺς πολεμίους: in the orators, εἰς is rarely used when persons are the end of motion. See App. On the thought, cf. § 95 end. — **ἀτάφους:** because they had not the usual rites; see on § 18 and cf. 96, also Cic. *Quinct.* 50, si funus id habendum est quo non amici convenient ad exsequias co-honestendas. — **ἀτίμους:** on ἀτ-

22 ἐκδίδοσθαι ἐκάλυσαν. καὶ εἰς τοσοῦτόν εἰσι τόλμης ἀφιγμένοι ὡσθ' ἥκουσιν ἀπολογησόμενοι, καὶ λέγουσιν ὡς οὐδὲν κακὸν οὐδ' αἰσχρὸν εἰργασμένοι εἰσίν. ἐγὼ δ' ἐβουλόμην ἀν αὐτοὺς ἀληθῆ λέγειν· μετῆν γὰρ ἀν καὶ 23 ἐμοὶ τούτου τάγαθοῦ οὐκ ἐλάχιστον μέρος. νῦν δὲ οὔτε 130 πρὸς τὴν πόλιν αὐτοῖς τοιαῦτα ὑπάρχει οὔτε πρὸς ἐμέ· τὸν ἀδελφὸν γάρ μου, ὥσπερ καὶ πρότερον εἶπον, Ἐρα-  
τοσθένης ἀπέκτεινεν, οὔτε αὐτὸς ἴδιᾳ ἀδικούμενος οὔτε εἰς τὴν πόλιν ὄρων ἔξαμαρτάνοντα, ἀλλὰ τῇ ἑαυτοῦ παρανο-  
24 μίᾳ προθύμως ἔξινπρετῶν. ἀναβιβασάμενος δ' αὐτὸν 135 βούλομαι ἐρέσθαι, ὃ ἄνδρες δικαστάι. τοιαύτην γὰρ γνώμην ἔχω· ἐπὶ μὲν τῇ τούτου ὠφελείᾳ καὶ πρὸς ἔτερον περὶ τούτου διαλέγεσθαι ἀσεβὲς εἶναι νομίζω, ἐπὶ δὲ τῇ τούτου βλάβῃ καὶ πρὸς αὐτὸν τοῦτον ὅσιον καὶ εὐσεβές.  
ἀνάβηθι οὖν μοι καὶ ἀπόκριναι, ὅ τι ἀν σε ἐρωτῶ.

*μία*, see Introd. § 51. — *ἐκάλυσταν*: by confiscating the property of their fathers or brothers (*cf.* xvi. 10) so that there was no money for the dowry, all-important in Greek marriages.

22. *ἐβουλόμην ἀν*: potential, referring to present time, = *velle*. G. 1339; *cf.* vii. 12. — *οὐκ ἐλάχιστον*: litotes, *cf.* *οὐχ ὅμοιως*, § 20.

23. *νῦν δέ*: *but as it is, as things are*. — *πρός*: of personal relations (G. 1216, 3 b; H. 805, 3 b), *cf.* § 53 and xviii. 6, *τοιαῦτα ἔνομίστο τὰ ὑπάρχοντα αὐτῷ πρὸς τὸ ὑμέτερον πλῆθος εἶναι*, and xvi. 10, with *βεβίωκα* and *ἔνεμάμην*. — *τοιαῦτα*: i.e. *οὐα λέγουσιν ὡς οὐδὲν κακὸν κτλ.*, § 22. — *ἀπέκτεινεν*: not, of course, with his own hand; *cf.* § 67. — *οὔτε ἀδικούμενος*: a personal wrong would have excused him, for popular ethics were

not yet beyond the ‘eye for an eye’ stage; cf. Plat. *Rep.* 332 B, *ὅφελεται δέ γε, οἷμα, παρά γε τοῦ ἔχθροῦ τῷ ἔχθρῳ, ὅπερ καὶ προσήκει (appropriate), κακόν τι* (where Plato is giving the popular doctrine, not his own). See on §§ 2 and 60. Plato himself defends the Christian view.

24. *ἀναβιβασάμενος*: *ἀνα-*, because of the platform, *βῆμα*, Introd. § 44. — *ἐρέσθαι*: a speaker might cross-question his opponent; *cf.* xxii. 5, and see Introd. § 48. — *ἀσεβές*: to speak to or have dealings with the murderer of one’s kinsman was, according to the popular view, *ἀσεβές*, as such a one was *ἔναγχης* or *μαρβός*. But Lysias says that, to secure revenge (Greek ethics again), it is even *ὅσιον* and *εὐσεβές* to speak to Eratosthenes.

25 Ἀπήγαγες Πολέμαρχον ἢ οὐ; Τὰ ὑπὸ τῶν ἀρχόντων προσταχθέντα δεδιὼς ἐποίουν. Ἡσθα δ' ἐν τῷ βουλευτηρίῳ, ὅτε οἱ λόγοι ἐγίγνοντο περὶ ἡμῶν; Ἡ. Πότερον συνηγόρευες τοῖς κελεύοντιν ἀποκτεῖναι ἢ ἀντέλεγες; Ἀντέλεγον. Ἰνα ἀποθάνωμεν ἢ ἵνα μὴ ἀποθάνωμεν; 145 Ἰνα μὴ ἀποθάνητε. Ἡγούμενος ἡμᾶς ἄδικα πάσχειν ἢ δίκαια; Ἄδικα.

26 Εἴτ', ὡς σχετλιώτατε πάντων, ἀντέλεγες μὲν ἵνα σώσειας, συνελάμβανες δὲ ἵνα ἀποκτείνειας; καὶ ὅτε μὲν τὸ πλῆθος ἦν ὑμῶν κύριον τῆς σωτηρίας τῆς ἡμετέρας, ἀντιλέγειν 150 φῆς τοῖς βουλομένοις ἡμᾶς ἀπολέσαι, ἐπειδὴ δὲ ἐπὶ σοὶ μόνῳ ἐγένετο καὶ σῶσαι Πολέμαρχον καὶ μή, εἰς τὸ δεσμωτήριον ἀπήγαγες; εἴθ' ὅτι μέν, ὡς φῆς, ἀντειπὼν οὐδὲν ὠφέληστας, ἀξιοῦς χρηστὸς νομίζεσθαι, ὅτι δὲ συλλαβὼν ἀπέκτεινας, οὐκ ἔμοὶ καὶ τουτοισὶ δοῦναι δίκην; *To Sec.*

— 27 Καὶ μὴν οὐδὲ τοῦτο εἰκὸς αὐτῷ πιστεύειν, εἰπερ ἀληθῆ λέγει φάσκων ἀντειπεῖν, ὡς αὐτῷ προσετάχθη. οὐ γὰρ δή που ἐν τοῖς μετοίκοις πῖστιν παρ' αὐτοῦ ἐλάμβανον.

25. *τὰ . . . ἐποίουν*: instead of a direct answer Eratosthenes excuses himself by giving his reason for obedience. But his other answers are 'straight to the point'. — *οἱ λόγοι*: refers to § 6. — *συνηγόρευες*: did you concur?

26. *εἴτα*: and so, used in indignant or ironical inquiry. — *τὸ πλῆθος ὑμῶν*: the majority of you; but cf. § 42.

— *ἀντιλέγειν*: represents the *imperf.*, see on xvi. 6, *ἰππεύειν*, and cf. *ἀντέλεγον* above. It shows the attitude of Eratosthenes, which was one of opposition. The arrest, however, was a single act, hence the *aor.* *ἀπήγαγες*. — *ἐπι*: in the power of. — *ἀξιοῖς*:

*claim.* — *τουτοισί*: the *-t* adds emphasis, and a gesture often accompanied a word so emphasised; cf. *hinc* and *celui-ci*. — *δοῦναι*: depends, like *νομίζεσθαι*, on *ἄξιοῖς* which is understood after the strong *οὐκ*. Cf. xiv. 23, *εἰ τις ὑμῶν τὸν Ἀλκιβιάδην ἀξιώσει διὰ μὲν τοὺς βοηθοῦντας σφέσθαι, διὰ δὲ τὴν αὐτοῦ πονηρίαν μὴ ἀπολέσθαι*. See App.

27. *τοῦτο*: here refers forward. — *δῆ·που*: adds an ironical or sarcastic tone; cf. xxxi. 28. — *ἐν τοῖς μετοίκοις*: in the case of mere metics; cf. Xen. *Anab.* v. 8. 15, *ἐν ἔμαντῷ πεῖραν* (*experiment*) *λαβών*. — *πῖστιν*: here not oath, as in § 9, but guarantee,

ἐπειτα τῷ ἥττον εἰκὸς ἦν προσταχθῆναι ἡ ὅστις ἀντειπών  
γε ἐτύγχανε καὶ γνώμην ἀποδεειγμένος; τίνα γὰρ εἰκὸς  
160 ἦν ἥττον ταῦτα ὑπηρετῆσαι ἡ τὸν ἀντειπόντα οἷς ἐκεῖνοι  
28 ἐβούλοντο πραχθῆναι; ἔτι δὲ τοῖς μὲν ἄλλοις Ἀθηναίοις  
ἴκανη μοι δοκεῖ πρόφασις εἶναι τῶν γεγενημένων εἰς τοὺς  
τριάκοντα ἀναφέρειν τὴν αἰτίαν, αὐτοὺς δὲ τοὺς τριάκοντα,  
ἐὰν εἰς σφᾶς αὐτοὺς ἀναφέρωσι, πῶς ὑμᾶς εἰκὸς ἀποδέ-  
29 χεσθαι; .. εἰ μὲν γάρ τις ἦν ἐν τῇ πόλει ἀρχὴ ἰσχυροτέρα  
ὑφ' ἧς αὐτῷ προσετάττετο παρὰ τὸ δίκαιον ἀνθρώπους  
ἀπολλύναι, ἵσως ἀν εἰκότως αὐτῷ συγγνώμην εἰχετε· νῦν  
δὲ παρὰ τοῦ ποτε καὶ λήψεσθε δίκην, εἰπερ ἐξέσται τοῖς  
τριάκοντα λέγειν ὅτι τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα  
30 ἐποίουν; καὶ μὲν δὴ οὐκ ἐν τῇ οἰκίᾳ ἀλλ' ἐν τῇ ὁδῷ,  
σφέσιν τ' αὐτὸν καὶ τὰ τούτοις ἐψηφισμένα παρόν, συλλα-

assurance, as in § 77. Metics were not important enough persons to make their cases the test of a man's loyalty to the Thirty. Had Eratosthenes objected, the Thirty would not have made a test case of it.—*Ἐλάμβανον*: the *impf.* here expresses *likelihood*; see on *ἐκέρδαινον*, vii. 32; so the pres. above, § 14.—*Ἐπειτα*: *besides*.—*Ἐτύγχανε*: with the *impf.* of this verb the aor. partic. retains its own past time. GMT. 146, and cf. § 64. The pf. partic. following keeps its own time as usual; see on § 16.—*γνώμην*: the article is often omitted with this word.—*ταῦτα*: cogn. acc. G. 1051; H. 715.

28. *ἔτι δέ*: *and another point*.—*πρόφασις*: here not *pretext*, but *ground for excuse*. In xxiv. 1, it means *occasion*.—*εἰς σφᾶς αὐτοὺς*: there is a fallacy here, for Erato-

sthenes would set himself apart from the others because of his protest.

29. *προσετάττετο*: the rel. clause is assimilated to conform to the protasis, and must be translated accordingly; cf. xxxi. 26. G. 1440; H. 919 b; cf. *ἡσαν*, § 98. — *νῦν δέ*: see on § 23. — *παρὰ τοῦ ποτε καὶ*: the *ποτέ* makes *τοῦ* more general, as we say 'whom in the world,' and the *καὶ* strengthens *λήψεσθαι*, 'will you ever punish?' Cf. xxiv. 12, *καὶ λέγεν*, and Xen. *Hellen.* ii. 3. 47, *τοῦτον τὴν ποτέ καὶ καλέσαι χρή*;

30. *καὶ μὲν δή*: *furthermore*.—*σφέσιν*: with *αὐτὸν* it has the lit. meaning *save*, but with *τὰ ἐψηφισμένα* it means *keep to*. The whole thought is made clear in § 31; he might have pretended not to see Polemarchus.—*τέ*: might properly follow *αὐτὸν*, but the idea is *σφέσιν τ' αὐτὸν καὶ σφέσιν*

βών ἀπήγαγεν. ὑμεῖς δὲ πᾶσιν ὄργιζεσθε, ὅσοι εἰς τὰς οἰκίας ἥλθον τὰς ὑμετέρας ζήτησιν ποιούμενοι ἡ ὑμῶν ἡ  
 31 τῶν ὑμετέρων τινός· καίτοι εἰ χρὴ τοῖς διὰ τὴν ἔαυτῶν  
 175 σωτηρίαν ἐτέρους ἀπολέσασι συγγνώμην ἔχειν, ἐκείνοις  
 ἀν δικαιότερον ἔχοιτε· *(κίνδυνος γάρ ἦν πεμφθεῖσι μὴ*  
 ἐλθεῖν καὶ καταλαβοῦσιν ἐξάρνοις γενέσθαι. τῷ δὲ  
 Ἐρατοσθένει ἔξῆν εἴπειν ὅτι οὐκ ἀπήντησεν, ἔπειτα ὅτι  
 οὐκ εἶδεν· ταῦτα γὰρ οὕτ’ ἐλεγχον οὗτε βάσανον εἶχεν,  
 180 ὥστε μηδ’ ὑπὸ τῶν ἐχθρῶν βουλομένων οἴον τ’ εἶναι  
 32 ἔξελεγχθῆναι. χρῆν δέ σε, ὡς Ἐρατόσθενες, εἴπερ ἥσθα  
 χρηστός, πολὺ μᾶλλον τοῖς μέλλουσιν ἀδίκως ἀποθανεῖ-  
 σθαι μηνυτὴν γενέσθαι ἡ τοὺς ἀδίκως ἀπολουμένους συλ-  
 33 λαμβάνειν. νῦν δέ σου τὰ ἔργα φανερὰ γεγένηται οὐχ

τὰ κτλ. Cf. § 62, 66, and Dein. I. 6, δικάσαι τε περὶ τοῦ σώματος καὶ τῆς ψυχῆς. — παρόν: ‘though he might have’; the partic. in the acc. absol. representing impf. time (G. 1289; H. 856 a) in a potential expression without *ἄν*. Cf. μᾶλλοντα, § 99, and see on χρῆν, § 32. — ὄργιζεσθε: the Thirty obliged good citizens to share their illegal work (*βουλόμενοι ὡς πλείστους ἀναπλήσαι αἰτιῶν*, Plat. *Apol.* 32 C), such as searching houses. The thought is, ‘you scorn such people, but you can pardon them, for they did it in fear for their lives; but this defence will not hold for Eratosthenes.’

31. ἐκείνοις: refers to ὅσοι κτλ., § 30. — δικαιότερον: sc. than Eratosthenes. — κίνδυνος κτλ.: Socrates refused to obey such an order, but he said, *ἴσως ἀν διὰ ταῦτ' ἀπέθανον, εἰ μὴ ἡ ἀρχὴ* (the Thirty’s) διὰ ταχέων

κατελύθη, Plat. *Apol.* 32 D. — ἔξῆν εἴπειν: *might have said* (but he didn’t); see on χρῆν, § 32. — ἔπειτα: i.e. if it was proved that he did meet him. — ταῦτα: refers merely to *ὅτι οὐκ εἶδεν*. — εἶχεν: ‘carried with it,’ ‘involved’; cf. Cic. *de Or.* I. 125, *stultitia excusationem non habet*. — βουλομένων: may be concessive or conditional.

32. χρῆν δέ σε μηνυτὴν γενέσθαι: *you ought to have become an informer* (implying that he did not become one). On the omission of *ἄν* in such an expression, see G. 1400; H. 897; GMT. 416 ff.; and cf. ἔξῆν, § 31, VII. 26; κάλλιον ἦν, § 52; *ἄξιον* ἦν, § 64; οἶον τ’ ἦν, VII. 26; *κρείττον* ἦν, VII. 27; ἀσφαλέστερον ἦν, VII. 24; *εἰκὸς* ἦν, XXIII. 15; *συνέφερε*, XXII. 13. But in § 48, *ἄν* is used. — μηνυτὴν: here in a good sense, an unusual usage; cf. § 48.

185 ὡς ἀνιωμένου ἀλλ' ὡς ἥδομένου τοῖς γιγνομένοις, ὥστε  
 τούσδε ἐκ τῶν ἔργων χρὴ μᾶλλον ἢ ἐκ τῶν λόγων τὴν  
 ψῆφον φέρειν, ἀ ἵσασι γεγενημένα τῶν τότε λεγομένων  
 τεκμήρια λαμβάνοντας, ἐπειδὴ μάρτυρας περὶ αὐτῶν οὐχ  
 οἶόν τε παρασχέσθαι. οὐ γάρ μόνον ἡμῖν παρεῖναι οὐκ  
 190 ἔξῆν, ἀλλ' οὐδὲ παρ' αὐτοῖς εἶναι, ὥστ' ἐπὶ τούτοις ἔστι  
 πάντα τὰ κακὰ εἰργασμένοις τὴν πόλιν πάντα τάγαθὰ  
 34 περὶ αὐτῶν λέγειν. τοῦτο μέντοι οὐ φεύγω, ἀλλ' ὅμολογῶ  
 σοι, εἰ βούλει, ἀντειπεῖν. θαυμάζω δὲ τί ἄν ποτ' ἐποίησας  
 συνειπών, ὅπότε ἀντειπεῖν φάσκων ἀπέκτεινας Πολέμαρχον.  
 195 Φέρε δῆ, τί ἄν, εἰ καὶ ἀδελφὸι ὄντες ἐτυγχάνετε αὐτοῦ  
 ἢ καὶ ὑεῖς; ἀπεψήφιζεσθε; δεῖ γάρ, ὡς ἄνδρες δικασταί,  
 Ἐρατοσθένη δυοῦν θάτερον ἀποδεῖξαι, ἢ ὡς οὐκ ἀπήγαγεν  
 αὐτόν, ἢ ὡς δικαίως τοῦτ' ἐπραξεν. οὗτος δὲ ὠμολόγηκεν  
 ἀδίκως συλλαβεῖν, ὥστε ῥᾳδίαν ὑμῖν τὴν διαψήφισιν περὶ  
 35 αὐτοῦ πεποίηκε. καὶ μὲν δὴ πολλοὶ καὶ τῶν ἀστῶν καὶ  
 τῶν ξένων ἥκουσιν εἰσόμενοι τίνα γνώμην περὶ τούτων

33. **ἀνιωμένου**: impf. in time, like **ἥδομένου**. — **τούσδε**: used of persons actually present. — **τότε**: refers to the session mentioned in §§ 6 and 26. — **Ψῆφον**: see Introd. § 49. — **παρεῖναι**: the sessions of the Thirty's senate were private, unlike the practice of the democracy. — **παρ' αὐτοῖς**: *in our own homes or country*; cf. *chez nous*. The word-play in **παρεῖναι** and **παρ' αὐτοῖς εἶναι** cannot be expressed in English. — **αὐτοῖς**: the refl. pron. of the third person here refers to the first person, **ἡμῖν**. G. 995; H. 686.

34. **φεύγω**: *evade, contest*. Lysias cannot prove that Eratosthenes did not protest, but he grants the point only to turn to the judges and make

it an argument against him. — **ποτέ**: see on § 29. — **φάσκων**: *though you assert*. — **τι ἄν**: on the ellipsis of the verb, cf. § 20; xxxi. 28. The force of **ἄν** is carried over to **ἀπεψήφιζεσθε**. See on xvi. 8. — **καὶ ἀδέλφοι κτλ.**: the idea is ‘you would not acquit a man who had made such an admission even were he your nearest kinsman.’ — **ὑεῖς**: the forms with *i* (*vieis etc.*) do not belong to the prose of the fifth and fourth century. See App. — **ὠμολόγηκεν**: in fact he had admitted (§ 25) only that the vote of the Thirty was unjust.

35. **τίνα γνώμην ἔξετε**: this is to be a test case and the vote is to be a political precedent. — **μαθόντες**: *with the*

ἔξετε. ὅν οἱ μὲν ὑμέτεροι ὄντες πολῖται μαθόντες ἀπίασιν  
ὅτι ἡ δίκην δώσουσιν ὅν ἐξαμάρτωσιν, ἢ, πράξαντες  
μὲν ὅν ἐφίενται, τύραννοι τῆς πόλεως ἔσονται, δυστυχή-  
205 σαντες δὲ τὸ ἵσον ὑμῶν ἔξουσιν. ὅσοι δὲ ξένοι ἐπιδημοῦσιν,  
ἔσονται πότερον ἀδίκως τοὺς τριάκοντα ἐκκηρύττουσιν ἐκ  
τῶν πόλεων ἡ δικαίωσ. εἰ γὰρ δὴ αὐτοὶ οἱ κακῶς πεπον-  
θότες λαβόντες ἀφήσουσιν, ἢ που σφᾶς γ' αὐτοὺς ἡγή-  
36 σονται περιέργους ὑπὲρ ὑμῶν τιμωρούμενους. οὐκ οὖν  
210 δεινὸν εἴ τοὺς μὲν στρατηγούς, —οἱ ἐνίκων ναυμαχοῦντες  
ὅτε διὰ χειμῶνα οὐχ οἶοι τ' ἔφασαν εἶναι τοὺς ἐκ τῆς  
θαλάττης ἀνελέσθαι, θανάτῳ ἐζημιώσατε, ἥγούμενοι  
χρῆναι τῇ τῷν τεθνεώτων ἀρετῇ παρ' ἐκείνων δίκην λαβεῖν,  
τούτους δέ, οἱ ἴδιῶται μὲν ὄντες καθ' ὅσον ἐδύναντο ἐποίη-

*knowledge. — ὅν ἀν ἐξαμάρτωσιν : whatever offence they shall have committed. The time of the aor. subjv. here precedes that of δώσουσιν. GMT. 90. — ἡ πράξαντες κτλ.: the second alternative, that of escape from punishment, is subdivided, showing what, in case Eratosthenes is acquitted, will be the results of success (πράξαντες μέν) or failure (δυστυχήσαντες δέ) in future attempts at tyranny. πράξαντες here = διαπράξαντες. Ον δυστυχήσαντες, cf. § 98. — τὸ ἵσον: ‘equal rights’ with good citizens; cf. § 92. — ἐκκηρύττουσιν: the regular word used of formal banishment, cf. §§ 95, 97. Some of the Thirty may not have accompanied the majority to Eleusis. See p. 26. — ἡ τοῦ: of course; an emphatic way of beginning an apodosis, cf. VII. 8. On the form of condition, cf. § 11. — περιέργους: over-careful, taking needless trouble.*

36. εἰ: that. G. 1424; H. 926; cf. § 88. — εἰ, μέν, δέ: on the sequence, cf. VII. 35. — στρατηγούς: the commanders at Arginusae, B.C. 406. — ἐνίκων: were victorious. GMT. 37; H. 827 a. — ὅτε: since. Logically, ὅτε would introduce οἷοι τ' ἦσαν, but ἔφασαν is introduced to put the excuse into the mouths of the generals themselves. — τῇ ἀρετῇ: ‘in honour of the valour’; dat. of interest. — τούτους: might be governed by a verb like οὐ κολάσεσθε, in contrast to ἐζημιώσατε, but after the complicated clauses which follow there is an anacoluthon (see on § 20), and οὐ χρὴ αὐτούς takes up the threads and asks a new question. — ίδιῶται κτλ.: as members of the political clubs whose leaders betrayed, so it is supposed, the fleet at Aegos Potami, the battle here referred to. — ἐποίησαν ἡττηθῆναι: is contrasted with ἐνίκων, as is διολογοῦσιν ἐκόντες κτλ. with διὰ χειμῶνα

215 σαν ἡττηθῆναι ναυμαχοῦντες! ἐπειδὴ δὲ εἰς τὴν ἀρχὴν  
κατέστησαν, ὁμολογοῦσιν ἔκόντες πολλοὺς τῶν πολιτῶν  
ἀκρίτους ἀποκτινύναι, οὐκ ἄρα χρὴ αὐτοὺς καὶ τοὺς  
παιᾶς ὑφ' ὑμῶν ταῖς ἐσχάταις ζημίαις κολάζεσθαι;

37 Ἐγὼ τοίνυν, ὃ ἀνδρες δικασταί, ἡξίουν ίκανὰ εἶναι τὰ  
220 κατηγορημένα· μέχρι γὰρ τούτου νομίζω χρῆναι κατη-  
γορεῖν, ἔως ἂν θανάτου δόξῃ τῷ φεύγοντι ἄξια εἰργάσθαι·  
ταύτην γὰρ ἐσχάτην δίκην δυνάμεθα παρ' αὐτῶν λαβεῖν.  
ώστ' οὐκ οἶδ' ὅ τι δεῖ πολλὰ κατηγορεῖν τοιούτων ἀνδρῶν,  
οἱ οὐδὲ ἂν ὑπὲρ ἐνὸς ἐκάστου τῶν πεπραγμένων δὶς ἀπο-  
38 θανόντες δίκην δοῦναι δύναιντ' ἀξίαν. οὐ γὰρ δὴ οὐδὲ  
τοῦτο αὐτῷ προσήκει ποιῆσαι, ὅπερ ἐν τῇδε τῇ πόλει  
εἴθισμένον ἐστί, πρὸς μὲν τὰ κατηγορούμενα μηδὲν ἀπο-  
λογεῖσθαι, περὶ δὲ σφῶν αὐτῶν ἔτερα λέγοντες ἐνίστε  
ἔξαπατῶσιν ὑμᾶς, ἀποδεικνύντες ὡς στρατιῶται ἀγαθοί  
230 εἰσιν, ή ὡς πολλὰς τῶν πολεμίων ναῦς ἔλαβον τριηραρχή-  
σαντες, ή ὡς πόλεις πολεμίας οὖσας φίλας ἐποίησαν·

... ἀνελέσθαι. — τοὺς παιᾶς: the visiting of the sins of the fathers upon the children, is a commonplace in Greek.

37. Here begins the argument ἔξω τοῦ πράγματος. See p. 29. — ἔως ἂν δόξῃ: until it shall appear. G. 1465; H. 921. — τῷ φεύγοντι: dat. of agent. — ταύτην: assimilated to the gender of δίκη, *this as the extreme penalty*. H. 632 a; cf. vii. 23, xxiv. 10. — αὐτῶν: does not mean the Thirty but refers, in the constructio ad sensum, to the collective idea of defendants in φεύγοντι. H. 633; cf. § 58, xxii. 2, and xxxi. 3, 9. — ὅ τι: why. G. 1061; H. 719 c. — οὐδὲ ἂν: on the position of ἂν, which belongs

to δύναιντο, cf. § 82. The verb of the prot. is ἀποθανόντες.

38. πρὸς τὰ κατηγορούμενα κτλ.: on the custom, cf. § 20, and xxvi. 3, αὐτὸν ἀκούων μὲν ὑπὲρ τῶν αὐτοῦ κατηγορουμένων διὰ βραχέων ἀπολογήσεσθαι, λέξειν δὲ ὡς πολλὰ εἰς τὴν πόλιν ἀνηλάκασι. — λέγοντες ἔξαπατῶσιν: instead of ἔξαπατῶν in antithesis to ἀπολογεῖσθαι, the construction shifts to the indic. which gives an actual narrative; cf. xxii. 19. — τριηραρχήσαντες: the trierarchy, like the choregy (see on § 20) was one of the public duties performed by rich citizens; see Gow, p. 133; Gilbert, *Antiq.* p. 370; and Smith, *Dict. Antiq.* s.v. On Erasthenes as trierarch, cf. § 42. — φίλας

39 ἐπεὶ κελεύετε αὐτὸν ἀποδεῖξαι ὅπου τοσούτους τῶν πολεμίων ἀπέκτειναν ὅσους τῶν πολιτῶν, ἢ ναῦς ὅπου τοσαῦτας ἔλαβον ὅσας αὐτοὶ παρέδοσαν, ἢ πόλιν ἤντινα τοιαύτην  
 40 προσεκτήσαντο ὥστα τὴν ὑμετέραν κατέδουλώσαντο. ἀλλὰ γάρ ὅπλα τῶν πολεμίων τοσαῦτα ἐσκύλευσαν ὅσαπερ ὑμῶν ἀφείλοντο; ἀλλὰ τείχη τοιαῦτα εἴλον οὐα τὰ τῆς ἑαυτῶν πατρίδος κατέσκαιφαν; οὕτινες καὶ τὰ περὶ τὴν Ἀττικὴν φρούρια καθεύλον, καὶ ὑμῖν ἐδήλωσαν ὅτι οὐδὲ  
 240 τὸν Πειραιᾶ Λακεδαιμονίων προσταττόντων περιεύλον, ἀλλ᾽ ὅτι ἑαυτοῖς τὴν ἀρχὴν οὕτω βεβαιοτέραν ἐνόμιζον εἶναι.  
 41 Πολλάκις οὖν ἔθαύμαστα τῆς τόλμης τῶν λεγόντων ὑπὲρ αὐτοῦ, πλὴν ὅταν ἐνθυμηθῶ ὅτι τῶν αὐτῶν ἐστιν αὐτούς τε πάντα τὰ κακὰ ἐργάζεσθαι καὶ τοὺς τοιούτους ἐπαινεῖν.  
 42 οὐ γάρ νῦν πρῶτον τῷ ὑμετέρῳ πλήθει τάναντία ἐπραξεν,

**ἐποίησαν**: cf. Isocr. xvi. 21, πόλεις . . . λόγῳ πείσας φίλας ὑμῖν ἐποίησε.

39. **ἐπεὶ**: states the reason for οὐ προσήκει above. — **κελεύετε**: on the imv. thus used, cf. Dem. xxxix. 32, ἐπει τὸ δεῖξον δοστις Ἀθηναλων κτλ. — **ὅσους τῶν πολιτῶν**: for the number slain, see on § 17. — **παρέδοσαν**: sc. at the surrender of Athens to Sparta.

40. **ἀλλὰ γάρ**: often used in an abrupt question, cf. § 83; the γάρ, of course, is not translatable. ἀλλὰ is used also without γάρ, xxiv. 24. — **ἀφείλοντο**: cf. § 95. The Thirty disarmed all who were not in the catalogue of the Three Thousand; cf. Arist. Resp. Ath. 37. 2, ἀναιρεθέντος δὲ Θηραμένους τὰ ὅπλα παρελογότο πάντων πλὴν τῶν τρισχιλίων. Cf. Xen. Hellen. ii. 3. 20 ff., who sets the disarming before the death of Thera-menes. On the gen. ὑμῶν, cf. xxiv.

13, and see G. 1118; II. 748 a. — **οἵτινες**: used scornfully, ‘why they,’ cf. 8s, § 65, and xxxii. 13, 20. — **φρούρια**: the facts are not known. The object of the Thirty was to make Attica an unfortified country. — **τὸν Πειραιᾶ**: see on § 70. — **περιεύλον**: dismantled.

41. **πολλάκις ἔθαύμαστα**: see on § 3; hence the subjv. ἐνθυμηθῶ, not the opt. G. 1268. — **τῶν λεγόντων**: does not refer to their defenders in court (*συνήγοροι*, cf. § 86, and p. 29), but to their supporters in general. — **τῶν αὐτῶν**: pred. gen. denoting nature. H. 732 c. — **τοὺς τοιούτους**: i.e. those who are, like them, *κακοί*.

42. **οὐ γάρ**: ‘and he is *κακός*, for this is not the first time,’ etc. — **τῷ ὑμετέρῳ πλήθει**: a common phrase for the democracy, cf. § 43, and xxiv. 25, xxxi. 15. — **τάναντία ἐπράξεν**:

ἀλλὰ καὶ ἐπὶ τῶν τετρακοσίων ἐν τῷ στρατοπέδῳ διηγαρχίαν καθιστᾶς ἔφευγεν ἐξ Ἑλλησπόντου τριήραρχος καταλιπὼν τὴν ναῦν, μετὰ Ἰατροκλέους καὶ ἑτέρων, ὃν τὰ ὄνόματα οὐδὲν δέομαι λέγειν. ἀφικόμενος δὲ δεῦρο τάνατίᾳ τοῖς βουλομένοις δημοκρατίαν εἶναι, ἐπραττε. καὶ τούτων μάρτυρας ὑμῖν παρέξομαι.

## ΜΑΡΤΥΡΕΣ.

43 Τὸν μὲν τοίνυν μεταξὺ βίον αὐτοῦ παρήσω. ἐπειδὴ δὲ ἡ ναυμαχία καὶ ἡ συμφορὰ τῇ πόλει ἐγένετο, δημοκρατίας ἔτι οὔσης, ὅθεν τῆς στάσεως ἥρξαν; πέντε ἄνδρες ἐφοροὶ<sup>255</sup> κατέστησαν ὑπὸ τῶν καλουμένων ἑταίρων, συναγωγεῖς μὲν τῶν πολιτῶν, ἄρχοντες δὲ τῶν συνωμοτῶν, ἐναντίᾳ δὲ τῷ

'worked against,' cf. § 64. — *ἐπὶ τῶν τετρακοσίων*: not to be taken literally, but as applying to a time just before the Four Hundred were actually established. While the oligarchical intrigues were going on in the army and fleet at Samos (Thuc. viii. 47 ff.), the like work was being done in other places dependent on Athens (Thuc. viii. 64); and Eratosthenes probably engaged in it on the Hellespont. Unsuccessful there, he deserted his ship and joined the oligarchs in Athens itself. — *καθιστᾶς*: impf. partic., cf. § 49, xxiv. 7; here of attempted action. G. 1255; H. 832. — *Ἰατροκλέους*: otherwise unknown.

43. *μεταξύ*: i.e. between the time of the Four Hundred (B.C. 412–11) and Aegos Potami (405). — *παρήσω*: had Lysias known of anything to Eratosthenes's discredit, we should probably learn of it here; see p. 24, and on xxxi. 20. — *ἡ ναυμαχία*

*κτλ.*: the accepted phrase for these events. The orators were careful how they reminded the people of their misfortunes; cf. xxxi. 8. — *ὅθεν . . . ἥρξαν*: the antecedent of this clause is the next clause which in English would precede; cf. Isaues vi. 8, *ὡς δ' ἔξον αὐτῷ ταῦτ' ἐπράξεν*, *ὅθεν δικαιώτατα ἡγοῦμαι τὰ τοιαῦτα εἶναι μανθάνειν*, *τοῦτον ὑμῖν αὐτὸν παρέξομαι τὸν νόμον*. — *ἐφοροὶ*: these men, chosen after the battle but before the surrender of Athens (cf. § 44 f.; Curtius, *Hist. of Greece*, III, p. 563), were not constitutional officers, but were selected merely by the oligarchical clubs (*ἑταίρειαι*, cf. *ἑταῖρων*) to be the directors of their revolutionary movement. Their title, after that of the Spartan ephors, is significant. — *κατέστησαν*: in effect a passive, hence *ὑπὸ*. — *συνωμοτῶν*: cf. coniurati, and on their oaths of secrecy, cf. §§ 47 and 77.

νῦμετέρω πλήθει πράττοντες· ὥν Ἐρατοσθένης καὶ Κριτίας  
**44** ἥσαν. οὗτοι δὲ φυλάρχους τε ἐπὶ τὰς φυλὰς κατέστησαν,  
 καὶ ὁ τι δέοι χειροτονεῖσθαι καὶ οὐστινας χρείη ἄρχειν  
 260 παρήγγελλον, (καὶ εἰ τι ἄλλο πράττειν βούλοιντο κύριοι  
 ἥσαν) οὕτως οὐχ ὑπὸ τῶν πολεμίων μόνον ἀλλὰ καὶ ὑπὸ<sup>265</sup>  
 τούτων πολιτῶν ὅντων ἐπεβουλεύεσθε, ὅπως μήτ' ἀγαθὸν  
**45** μηδὲν ψηφιεῖσθε πολλῶν τε ἐνδεεῖς ἔσεσθε. τοῦτο γὰρ  
 καλῶς ἡπίσταντο, ὅτι ἄλλως μὲν οὐχ οἶοί τε ἔσονται περι-  
 265 γενέσθαι, κακῶς δὲ πραττόντων, δυνήσονται· καὶ ὑμᾶς  
 ἡγοῦντο τῶν παρόντων κακῶν ἐπιθυμοῦντας ἀπαλλαγῆναι  
**46** περὶ τῶν μελλόντων οὐκ ἐνθυμήσεσθαι.) ὡς τοίνυν τῶν  
 ἐφόρων ἐγένετο, μάρτυρας ὑμῖν πάρεξομαί, οὐ τὸν τότε  
 συμπράττοντας (οὐ γὰρ ἀν δυναίμην), ἀλλὰ τὸν αὐτοῦ  
**47** Ἐρατοσθένους ἀκούσαντας. καίτοι κάκεινοι εἰ ἐσωφρό-  
 νουν, κατεμαρτύρουν ἀν αὐτῶν καὶ τὸν διδασκάλους τῶν  
 σφετέρων ἀμαρτημάτων σφόδρ' ἀν ἐκόλαζον, καὶ τὸν  
 ὄρκους, εἰ ἐσωφρόνουν, οὐκ ἀν ἐπὶ μὲν τοῖς τῶν πολιτῶν  
 κακοῖς πιστοὺς ἐνόμιζον, ἐπὶ δὲ τοῖς τῆς πόλεως ἀγαθοῖς

**44.** φυλάρχους: not the cavalry officers of xvi. 6, but men selected, one in each φυλή, to 'work' under the ephors, who managed the political 'machine.' See App. — **ἐπι:** on this use, cf. xxviii. 14, οἱ μὲν γάρ **ἐπὶ τοῦτ'** ἐχειροτονήθσαν, **ἴνα κτλ.** — **ἄρχειν:** to hold the offices. — **παρήγγελλον:** they passed the word; really a military term, but here used as in § 76, where the working of this 'machine' is illustrated. — **ὅπως.** **ψηφιεῖσθε:** object clause. — G. 1372; H. 885. See App. — **πολλῶν:** sc. **ἀγαθῶν.** The chief reference is to the necessities of life, lacking during the siege.

**45.** **πραττόντων:** sc. **ὑμῶν.** Cf. § 64, and on the omission, see G. 1568; H. 972 a.

**46.** οὐ γὰρ κτλ.: their oaths (§ 47) would prevent them from testifying.

**47.** **κάκεινοι:** refers to **τοὺς συμπράττοντας.** — **αὐτῶν:** i.e. their leaders. — **τοὺς ὄρκους:** as the following οὐκ refers to both the μέν and the δέ clause succeeding, a different oath is meant in each case; in the first, the oath sworn as a member of a **έταιρεῖα** (cf. on § 43); in the second the oath of allegiance taken when a young man came of age. — **ἐπι:** in the case of, 'where it is a question of.' Cf. Isocr. xviii. 24, **καίτοι δεινὸν**

275 ῥᾳδίως παρέβαινον. πρὸς μὲν οὖν τούτους τοσαῦτα λέγω,  
τοὺς δὲ μάρτυράς μοι κάλει. καὶ ὑμεῖς ἀνάβητε.

## ΜΑΡΤΥΡΕΣ.

48 Τῶν μὲν μαρτύρων ἀκηκόατε. τὸ δὲ τελευταῖον εἰς τὴν  
ἀρχὴν καταστὰς ἀγαθοῦ μὲν οὐδενὸς μετέσχεν, ἄλλων δὲ  
πολλῶν. καίτοι εἴπερ ἦν ἀνὴρ ἀγαθός, ἔχρην ἀν πρῶτον  
280 μὲν μὴ παρανόμως ἄρχειν, ἐπειτα τῇ βουλῇ μηνυτὴν  
γίγνεσθαι περὶ τῶν εἰσαγγελιῶν ἀπασῶν, ὅτι ψευδεῖς εἶνεν,  
καὶ Βάτραχος καὶ Αἰσχυλίδης οὐ τάληθή μηνύουσιν, ἄλλὰ  
τὰ ὑπὸ τῶν τριάκοντα πλασθέντα εἰσαγγέλλουσι, συγκεί-  
49 μενα ἐπὶ τῇ τῶν πολιτῶν βλάβῃ. καὶ μὲν δῆ, ὡς ἄνδρες  
285 δικασταί, ὅσοι κακονοὶ ἦσαν τῷ ὑμετέρῳ πλήθει, οὐδὲν  
ἔλαττον εἶχον σιωπῶντες· ἔτεροι γάρ ἦσαν οἱ λέγοντες  
καὶ πράττοντες ὥν οὐχ οἶνον τ' ἦν μείζω κακὰ γενέσθαι τῇ  
πόλει. ὅποσοι δ' εὗνοί φασιν εἶναι, πῶς οὐκ ἐνταῦθα  
ἔδειξαν, αὐτοί τε τὰ βέλτιστα λέγοντες καὶ τοὺς ἔξαμαρτά-

ει ἐπὶ μὲν τοὺς ὑμετέρους αὐτῶν πράγμασιν  
ἐμμένετε τοὺς ὄρκους, ἐπὶ δὲ τῇ τούτου  
συκοφαντὶ παραβαλεῖν ἐπιχειρήσετε.—  
παρέβαινον: the force of *ἄν* continues;  
see on xvi. 8. — κάλει: addressed to  
the κῆρυξ, ‘crier’; cf. xxxi. 16.

48. ἀρχὴν: sc. τὴν τῶν τριάκοντα,  
for the ephors were not magistrates.  
— ἄλλων: ironical for κακῶν.— ἔχρην  
ἄν: ‘he would have had.’ See on § 32,  
and for the use of *ἄν* here, cf. vii. 22,  
and see G. 1401; H. 897 a. See  
App.—τῇ βουλῇ: under the Thirty  
the oligarchical senate took the place  
of the democratic Heliastic courts.  
— μηνυτὴν: see on § 32.— εἰεν and  
μηνύουσιν: on the change of mood  
(GMT. 670), cf. Xen. *Anab.* ii. 1. 3,  
οὗτοι ἔλεγον δτι Κύρος μὲν τέθυηκεν,

‘Αριαῖος δὲ πεφευγὼς εἴη. — Βάτραχος:  
he is called in [Lys.] vi. 45, ὁ πάντων  
πονηρότατος, γενύμενος ἐπὶ τῶν τριά-  
κοντα μηνυτὴς, where μηνυτὴς has its  
usual infamous sense. Among the  
lost orations of Lysias was one ὑπὲρ  
τοῦ Βατράχου φόνου (Harp. s.v. φηγού-  
σιν), possibly written on the death  
of this same man. Nothing further  
is known of Aeschylides.— συγκεί-  
μενα: concocted; cf. III. 26, πάντα αὐτῷ  
ταῦτα σύγκειται καὶ μεμηχάνηται.

49. καὶ μὲν δῆ: see on § 30.—  
οὐδὲν ἔλαττον εἶχον: were none the  
worse off, ‘lost nothing.’ See on  
xxxii. 1. — ὥν: the antecedent is  
the omitted obj. of πράττοντες, the  
gen. depends on the comparative.—  
πῶς: ‘how was it that?’ — ἔξαμαρ-

50 νοντας ἀποτρέποντες; ἵσως δ' ἀν ἔχοι εἰπεῖν ὅτι ἐδεδοίκει,  
καὶ ὑμῶν τοῦτο ἐνίοις ἱκανὸν ἔσται. ὅπως τούννυ μὴ  
 φανήσεται ἐν τῷ λόγῳ τοῖς τριάκοντα ἐναντιούμενος· εἰ  
 δὲ μή, ἐνταυθοῖ δῆλος ἔσται ὅτι ἐκεῖνά τ' αὐτῷ ἥρεσκε καὶ  
 τοσοῦτον ἐδύνατο ὥστε ἐναντιούμενος μηδὲν κακὸν παθεῖν  
 295 ὑπ' αὐτῶν. χρῆν δ' αὐτὸν ὑπὲρ τῆς ὑμετέρας σωτηρίας  
 ταύτην τὴν προθυμίαν ἔχειν, ἀλλὰ μὴ ὑπὲρ Θηραμένους,  
 51 ὃς εἰς ὑμᾶς πολλὰ ἔξήμαρτεν. ἀλλ' οὗτος τὴν μὲν πόλιν  
 ἔχθραν ἐνόμιζεν εἶναι, τοὺς δ' ὑμετέρους ἔχθρους φίλους,  
 ὡς ἀμφότερα ταῦτα ἐγὼ πολλοῖς τεκμηρίοις παραστήσω,  
 300 καὶ τὰς πρὸς ἀλλήλους διαφορὰς οὐχ ὑπὲρ ὑμῶν ἀλλ'  
 ὑπὲρ ἑαυτῶν γιγνομένας, ὅπότεροι μόνοι ταῦτα πράξουσι  
 52 καὶ τῆς πόλεως ἄρξονται. εἰ γὰρ ὑπὲρ τῶν ἀδικουμένων  
 ἔστασίαζον, ποῦ κάλλιον ἦν ἀνδρὶ ἄρχοντι ἢ Θρασυ-  
 τάνοντας: for its time, see on *καθιστάσι*, § 42.

50. *ἐδεδοίκει*: was afraid, and so was silent on occasions when he should have spoken; cf. §§ 48 and 49.—*ὅπως φανήσεται*: on this Attic colloquial use of the fut. indic. (G. 1352; H. 886; GMT. 271 ff.), cf. I. 21, quoted below. The thought is: ‘He will say that he was afraid. But then he must be careful not to let it appear that he ever opposed (*ἐναντιούμενος* is impf., see on *ἔχοντες*, xvi. 5) the Thirty; otherwise (that is, if he ever did oppose them) it will be clear that he was not in fear of them, and that he opposed them whenever he wished, and was silent only when he agreed with them.’—*ἐν τῷ λόγῳ*: ‘anywhere in discussion.’—*εἰ δὲ μή*: otherwise. The phrase is used in Greek even when the clause would not be negative if completed. G. 1417;

H. 906 b; cf. I. 21, *ὅπως τούννυ ταῦτα μηδεὶς ἀνθρώπων πεύσεται*. *εἰ δὲ μή* (i.e. if anybody does hear of it), οὐδέν σοι κύριον ἔσται.—*δῆλος ἔσται* *ὅτι*: for the personal use, see on xxxi. 6.—*ἐναντιούμενος*: concessive. ¶

51. *ἀμφότερα*: i.e. that the state was his enemy and that your foes were his friends. The orator proposes to establish (*παραστήσω*) these facts *καὶ τὰς διαφορὰς . . . γιγνομένας*, ‘and that their dissensions were arising.’ The change here from the dir. obj. to the partic. in indir. disc. is so harsh that it is probable that after *καὶ* some word like *ἀποδείξω* has fallen out. See App.—*ὅπότεροι*: i.e. the advanced oligarchs under Critias or the moderates under Theramenes.—*ταῦτα*: used of something well understood, here the plans of the oligarchs; cf. *ταῦτ' ἔπραττεν*, § 65.

52. *κάλλιον ἦν*: see on *χρῆν*, § 32.

βούλου Φυλῆν κατειληφότος, τότε ἐπιδείξασθαι τὴν αὐτοῦ  
 305 εὗνοιαν; ὁ δὲ ἀντὶ τοῦ ἐπάγγείλασθαι τι ἡ πρᾶξαι ἀγαθὸν  
 πρὸς τοὺς ἐπὶ Φυλῆ, ἐλθὼν μετὰ τῶν συναρχόντων εἰς  
 Σαλαμῖνα καὶ Ἐλευσῖνάδε τριακοσίους τῶν πολιτῶν ἀπῆ-  
 γαγεν εἰς τὸ δεσμωτήριον καὶ μιᾷ ψήφῳ αὐτῶν ἀπάντων  
 53 θάνατον κατεψηφίσατο. ἐπειδὴ δὲ εἰς τὸν Πειραιᾶ ἥλθομεν  
 310 καὶ αἱ ταραχαὶ γεγενημέναι ἥσαν καὶ περὶ τῶν διαλλαγῶν  
 οἱ λόγοι ἐγίγνοντο, πολλὰς ἑκάτεροι ἐλπίδας εἶχομεν πρὸς  
 ἀλλήλους ἔσεσθαι ὡς ἀμφότεροι ἐδείξαμεν. οἱ μὲν γὰρ  
 54 ἐκ Πειραιῶς κρείττους ὅντες εἴασαν αὐτοὺς ἀπελθεῖν· οἱ  
 δὲ εἰς τὸ ἄστυ ἐλθόντες τοὺς μὲν τριάκοντα ἐξέβαλον πλὴν

— **τοὺς ἐπὶ Φυλῆ**: *ἐπὶ* is used, not *ἐν*, because the fort of Phyle lay high up in the pass on Mount Parnes. See App.—**Σαλαμῖνα καὶ Ἐλευσῖνάδε**: by the wholesale slaughter of the citizens of Salamis (*cf.* xiii. 44; Diod. xiv. 32) and Eleusis (Xen. *Hellen.* ii. 4. 8 ff.) the Thirty cleared these places in order to use them as refuges in case of need.—**μιᾷ ψήφῳ**: illegal, as being contrary to the common procedure which provided that, when several parties were accused, a separate vote should be taken on each; *cf.* Xen. *Hellen.* i. 7. 34; Plat. *Apol.* 32 B. On the trial, see Curtius, *Hist. of Greece*, III, p. 540 ff.

53. **ἥλθομεν**: observe how Lysias here and in other speeches (*e.g.* xxiv. 25) constantly takes it for granted that all his hearers belonged to the patriotic party. Yet among them and even among the present judges may have been members of the Three Thousand. So in the preceding section he speaks as if the Three Thousand had had nothing to do with

the condemnation of the Eleusinians; but see Xen. *Hellen.* ii. 4. 9 ff. —

— **ταραχαὶ**: *disturbances*, a purposely mild word used of the battle between Athenian citizens.—**διαλλαγῶν**: the standing word for the reconciliation brought about by Pausanias.—**λόγοι: negotiations**. — **πρὸς ἀλλήλους ἔσεσθαι ὡς**: the expression is unusually condensed: ‘that we should be in our relations to each other (*πρὸς* as in § 23) as we both showed ourselves.’ It is clear that some idea like ‘forgetting and forgiving’ is understood.—**αὐτούς**: the party of the city is meant, but this is a strange use of *αὐτός*. See App.

54. **ἐλθόντες**: *when they had returned*; see on xvi. 4.—**τοὺς τριάκοντα ἐξέβαλον**: an exaggerated statement, the truth being that the Thirty were merely deposed. Cf. Xen. *Hellen.* ii. 4. 23, *ἐψηφίσαντο* (*sc.* οἱ τρισχίλοι) ἐκείνους μὲν (the Thirty) *καταπάνσαι*, ἀλλούς δὲ ἐλέσθαι, and Arist. *Resp. Ath.* 38, *τοὺς μὲν τριάκοντα κατέλυσαν, αἰροῦνται δὲ δέκα τῶν πολιτῶν αὐτοκράτορας*. *ἐπὶ*

315 Φείδωνος καὶ Ἐρατοσθένους, ἄρχοντας δὲ τοὺς ἐκείνους  
 ἔχθιστους εἴλοντό, ἡγούμενοι δικαίως ἀν ὑπὸ τῶν αὐτῶν  
 τούς τε τριάκοντα μισεῖσθαι καὶ τοὺς ἐν Πειραιεῖ φιλεῖσθαι.  
 55 τούτων τοίνυν Φείδων γενόμενος καὶ Ἰπποκλῆς καὶ Ἐπι-  
 χάρης ὁ Λαμπτρεὺς καὶ ἔτεροι οἱ δοκοῦντες εἶναι ἐναντιώ-  
 320 τατοὶ Χαρικλεῖ καὶ Κριτίᾳ καὶ τῇ ἐκείνων ἑταιρείᾳ, ἐπειδὴ  
 αὐτοὶ εἰς τὴν ἀρχὴν κατέστησαν, πόλιν μεῖζω στάσιν καὶ  
 πόλεμον ἐπὶ τοὺς ἐν Πειραιεῖ τοῖς ἐξ ἀστεως ἐποίησαν.  
 56 ὃς καὶ φανερῶς ἐπεδείξαντο ὅτι οὐχ ὑπὲρ τῶν ἐν Πειραιεῖ  
 οὐδ' ὑπὲρ τῶν ἀδίκως ἀπολλυμένων ἐστασίαζον, οὐδ' οἱ  
 325 τεθνεῶτες αὐτοὺς ἐλύπουν οὐδ' οἱ μέλλοντες ἀποθανεῖσθαι,  
 57 ἀλλ' οἱ μεῖζον δυνάμενοι καὶ θάττον πλουτοῦντες. λαβόν-  
 τες γὰρ τὰς ἀρχὰς καὶ τὴν πόλιν ἀμφοτέροις ἐπολέμουν,  
 τοῖς τε τριάκοντα πάντα κακὰ εἰργασμένοις καὶ ὑμῖν

τὴν τοῦ πολέμου κατάλυσιν. The majority of the Thirty then withdrew to Eleusis. — **ἄρχοντας**: the Ten just mentioned in the quotation from Aristotle; so Xen. *ibid.* 24, καὶ εἴλοντο δέκα, ἔνα ἀπὸ φυλῆς. — **ἐκείνους**: i.e. to the Thirty as a government. Eratosthenes and Phidion clearly belonged to a more moderate set than Critias and Charicles. Having coupled them together, Lysias goes on to show that Phidion (and by inference Eratosthenes) was not a true patriot, else he would have been true to the purpose for which he was elected, namely to reconcile the parties (cf. § 58). ~~Φειδωνος ταξιδιος~~ 30

55. **τούτων**: i.e. the Ten. — **γενό-  
 μενος**: on the number, see on § 12.  
 — **Ιπποκλῆς**: unknown, unless he  
 be the naval officer of Thuc. viii. 13.  
 — **Λαμπτρέὺς**: Lamptrae was a deme  
 of the tribe Erechtheis. — **ἐναντιώ-**

**τοι**: Epichares, however, was a senator under the Thirty; so Andoc. I. 95, who in § 99 calls him their tool and a sycophant. — **Χαρικλεῖ**: he with Critias was chief of the advanced oligarchs; cf. Arist. *Pol.* 1305 B, 25, ἐν τοῖς τριάκοντα οἱ περὶ Χαρικλέα ἵσχυσαν τοὺς τριάκοντα δημαγωγοῦντες. — **ἑταιρείᾳ**: see on § 43. — **αὐτοὶ**: emphatic: ‘they in their turn.’ — **πολὺ . . . ἐποίησαν**: on the facts, cf. Xen. *Hellen.* ii. 4. 24 ff.; Arist. *Resp. Ath.* 38.

57. **λαβόντες**: *taking possession of*; the usual word of legal succession to an office would be **παραλαβόντες**, which indeed is used of these very Ten by Arist. *Resp. Ath.* 38. — **τοῖς τε τριάκοντα**: there is nothing in Xen. to suggest actual hostilities between the Ten and the Thirty. Both sent to Sparta for help against Thrasybulus, *Hellen.* ii. 4. 28. But it is

πάντα κακὰ πεπονθόσι. καίτοι τοῦτο πᾶσι δῆλον ἦν, ὅτι  
 330 εὶ μὲν ἐκεῖνοι δικαίως ἔφευγον, ὑμεῖς ἀδίκως, εἰ δ' ὑμεῖς  
 δικαίως, οἱ τριάκοντα ἀδίκως· οὐ γὰρ δὴ ἐτέρων ἔργων  
 αἰτίαν λαβόντες ἐκ τῆς πόλεως ἐξέπεσον, ἀλλὰ τούτων.  
 +58 ὥστε σφόδρα χρὴ ὄργιζεσθαι, ὅτι Φείδων αἱρεθεὶς ὑμᾶς  
 διαλλάξαι καὶ καταγαγεῖν τῶν αὐτῶν ἔργων Ἐρατοσθένει  
 335 μετεῖχε καὶ τῇ αὐτῇ γνώμῃ τὸν μὲν κρείττους αὐτῶν δι'  
 ὑμᾶς κακῶς ποιεῖν ἔτοιμος ἦν, ὑμῖν δὲ ἀδίκως φεύγουσιν  
 οὐκ ἡθέλησεν ἀποδοῦναι τὴν πόλιν, ἀλλ' ἐλθὼν εἰς Λακε-  
 δαίμονα ἐπειθεὶς αὐτὸν στρατεύεσθαι, διαβάλλων ὅτι  
 Βοιωτῶν ἡ πόλις ἔσται, καὶ ἄλλα λέγων οἷς φέτο πείσειν  
 59 μάλιστα. οὐ δυνάμενος δὲ τούτων τυχεῖν, εἴτε καὶ τῶν  
 Ἱερῶν ἐμποδὼν ὄντων εἴτε καὶ αὐτῶν οὐ βουλομένων,  
 ἐκατὸν τάλαντα ἐδανείστατο, ἵνα ἔχοι ἐπικούρους μισθοῦ-

clear that the Ten held a middle ground. — *ἔφευγον*: were in exile, the pres. approaching the sense of the perf. in this sense. G.M.T. 27 and 37. — *αἰτιαν λαβόντες*: instead of the usual *αἰτιαν ἔχοντες*, cf. xxii. 18. — *ἐξέπεσον*: used as pass. of *ἐξέβαλον*. G. 1241; H. 820.

58. αἱρεθεὶς ὑμᾶς διαλλάξαι κτλ.: cf. § 55 and Arist. *Resp. Ath.* 38 (quoted on § 54), who adds *οἱ δὲ παραλαβόντες τὴν ἀρχὴν ἐφ' οἷς μὲν ἡρέθησαν οὐκ ἐπραττον, ἐπρέσβευσαν δ' εἰς Λακεδαίμονα βοήθειαν μεταπεμπόμενοι καὶ χρήματα δανειζόμενοι.* — *τῇ αὐτῇ γνώμῃ*: sc. Ἐρατοσθένει. Lysias's object in thus bringing forward Phidion is twofold; to show that Phidion and Eratosthenes were hand and glove, both equally opposed to the patriots, and also to prevent Phidion from pointing to any merits of his own

when appearing as *συνήγορος* (see Introd. § 36) for Eratosthenes. — *τὸν κρείττους αὐτῶν*: the main body of the Thirty, then in Eleusis. — *δι' ὑμᾶς*: through your means; cf. § 60 and vii. 5. — *οὐκ ἡθέλησεν*: 'he could not bring himself,' cf. xxxi. 1; but below in § 69 it means as usual *he refused.* Cf. vii. 35; xxxii. 12. — *ἐπειθεὶς*: of attempted action. G. 1255; H. 832. — *αὐτούς*: for the number, see on *αὐτῶν*, § 37. — *Βοιωτῶν κτλ.*: this would excite Spartan jealousy, and it was a credible story, for Thrasybulus had set out from Thebes to seize Phyle, with the collusion of the Thebans (Diod. xiv. 32). See on § 95.

59. *ἱερῶν ἐμποδὼν ὄντων*: this recalls the well-known reason for the Spartans' refusal to aid the Athenians promptly at Marathon. Cf. Hdt. vi. 106.

σθαι, καὶ Λύσανδρον ἄρχοντα ἡγέρσατο, εὐνούστατον μὲν  
ὄντα τῇ ὀλιγαρχίᾳ, κακονούστατον δὲ τῇ πόλει, μισοῦντα  
60 δὲ μάλιστα τοὺς ἐν Πειραιεῖ. μισθωσάμενοι δὲ πάντας  
ἀνθρώπους ἐπ' ὀλέθρῳ τῆς πόλεως καὶ ὅλας πόλεις ἐπά-  
γοντες καὶ τελευτῶντες Λακεδαιμονίους καὶ τῶν συμμάχων  
ὅπόσους ἐδύναντο πεῖσαι, οὐδὲ διαλλάξαι ἀλλ' ἀπολέσαι  
παρεσκευάζοντο τὴν πόλιν, εἰ μὴ δι' ἄνδρας ἀγαθούς, οἷς  
350 ὑμεῖς δηλώσατε παρὰ τῶν ἔχθρῶν δίκην λαβόντες, ὅτι καὶ  
61 ἐκείνοις χάριν ἀποδώσετε. ταῦτα δὲ ἐπίστασθε μὲν καὶ  
αὐτοί, καὶ οὖδ' ὅτι οὐ δεῖ μάρτυρας παρασχέσθαι· ὅμως  
δέ· ἐγώ τε γὰρ δέομαι ἀναπαύσασθαι, ὑμῶν τ' ἐνίοις ἥδιον  
ώς πλείστων τοὺς αὐτοὺς λόγους ἀκούειν.

## ΜΑΡΤΥΡΕΣ.

62 Φέρε δὴ καὶ περὶ Θηραμένους ὡς ἀν δύνωμαι διὰ

60. **πάντας ἀνθρώπους**: on the meaning, without the article, see on XVI. 15, and cf. Dem. VIII. 5, Φίλιπ-  
πος συσκευάζεται πάντας ἀνθρώπους ἐφ' ἡμᾶς.—**ὅλας πόλεις**: an effective ex-  
aggeration, hardly supported by the facts. See App. — **τελευτῶντες**: the partic. as adv.; cf. XXII. II, 12.  
G. 1564; H. 968 a.—**εἰ μὴ διά**: means  
'had it not been for.' G. 1414; H.  
905 a, 2; GMT. 476, 3. Cf. Isocr.  
v. 92, φαίνονται γὰρ κάκεῖνοι κρατήσαν-  
τες ἀν τῶν βασιλέως πραγμάτων, εἰ μὴ  
διὰ Κύπρου. Gildersleeve, A. J. P.  
XVI, p. 396, explains the ellipsis as  
that of the negative involved in the  
leading clause. Thus, **εἰ μὴ διά = εἰ**  
**μὴ οὐκ ἀπώλεσαν**, unless they had failed  
to destroy. For the apod. without  
ἀν, see on ἐγίγνετο, VII. 13; ἔμελλε, VII.  
24.—**ἄνδρας ἀγαθούς**: both avowed

and secret friends of Athens are  
meant, as in Argos, Thebes, Corinth,  
and elsewhere, including all who  
were jealous of Lysander. The patri-  
otic party is of course included, and  
perhaps that of the second Ten.—**οἱ**  
**δηλώσατε**: on this idiomatic use of  
the rel. with imv., cf. § 99. Translate  
by must.

61. **ὅμως δέ**: sc. παρέξομαι. — **πλει-**  
**στῶν**: on the gen. of the person, see  
G. 1103; H. 742 c.

62. **φέρε δή**: come now, a phrase  
frequently prefixed to the subjv. of  
exhortation. G. 1345. — **Θηραμένους**:  
Eratosthenes, himself a moderate  
oligarch, would naturally class him-  
self with Theramenes, the victim of  
Critias and a martyr, in popular  
esteem, to the good cause. Lysias  
must therefore paint Theramenes in

βραχυτάτων διδάξω. δέομαι δ' ὑμῶν ἀκοῦσαι ὑπέρ τ'  
ἔμαυτοῦ καὶ τῆς πόλεως. καὶ μηδενὶ τοῦτο παραστῆ  
ώς Ἐρατοσθένους κινδυνεύοντος Θηραμένους κατηγορῶ·  
πυνθάνομαι γὰρ ταῦτα ἀπολογήσεσθαι αὐτὸν ὅτι ἔκεινῳ  
63 φίλος ἦν καὶ τῶν αὐτῶν ἔργων μετεῖχε. / καίτοι σφόδρ' ἀν  
αὐτὸν οἶμαι μετὰ Θεμιστοκλέous πολιτεύμενον προσ-  
ποιεῖσθαι πράττειν ὅπως οἰκοδομηθήσεται τὰ τείχη, ὅπότε  
καὶ μετὰ Θηραμένους ὅπως καθαιρεθήσεται. οὐ γάρ μοι  
δοκοῦσιν ἵσου ἄξιοι γεγενῆσθαι. ὁ μὲν γὰρ Λακεδαιμο-  
365 νίων ἀκόντων ὡκοδόμησεν αὐτά, οὗτος δὲ τοὺς πολίτας  
64 ἔξαπατήσας, καθεῖλε. περιέστηκεν οὖν τῇ πόλει τούναν-  
τίον ἡ ὡς εἰκὸς ἦν. ἄξιον μὲν γὰρ ἦν καὶ τὸν φίλον  
τοὺς Θηραμένους προσαπολωλέναι, πλὴν εἴ τις ἐτύγχανεν

the darkest colours, to show the people that they did not know their idol; hence what follows must be taken with a good deal of salt. See App. — *τέ*: on its position, cf. § 30. — *παραστῆ* . . . *κατηγορῶ*: 'let nobody fancy that my speech is directed against Theramenes, (although Eratosthenes is the man who is on trial.)' Cf. Dem. xviii. 15, *εἴτα κατηγορεῖ μὲν ἔμοῦ, κρίνει* (*he brings to trial*) δὲ *τουτού*. Lysias anticipates that he will be charged by the other side with leaving the real question which is at issue. See App. For *παραστῆ* in this sense, cf. vii. 17. — *κινδυνεύοντος*: this verb is often used of defendants.

63. *καίτοι σφόδρα* . . . *γεγενῆσθαι*: spoken with sneering irony, and made more bitter by *σφόδρα*, to which emphatic word *ἄν* is attached. 'He says he acted with Theramenes. Of course, then, if he had been in the government along with Themistocles

he would pretend, I suppose, that he joined him in building the walls, since he joined even (observe the *καὶ* after *ὅπότε*, cf. xxii. 16) a person like Theramenes in pulling them down. Of course he would, for Themistocles and Theramenes were men of very different metal' (the inference being that, as Themistocles was the better, Eratosthenes would have urged that he did even more to help him than to help Theramenes). The litotes in οὐκ *ἵσου* ἄξιοι and the scoffing tone in *μοι δοκοῦσιν* should be noted. — *Ξα-πατήσας*: for the facts, cf. § 68 ff.

64. *περιέστηκεν*: *has come about*. Cf. Thuc. vi. 24. 2, *τούναντίον περιέστη αὐτῷ*. — *εἰκὸς ἦν*: 'might have been expected'; on the omission of *ἄν* here and with *ἄξιον ἦν*, see on § 32. — *πλὴν εἰ*: *unless*, where *πλὴν* represents the apodosis. GMT. 477; cf. Plat. *Apol.* 18 C, *οὐδὲ τὰ δυνμάτα οἶν τε αὐτῶν εἰδέναι, πλὴν εἴ τις κωμῳδιοποὺς τυγχά-*

ἐκείνῳ τάναντία πράττων· νῦν δὲ ὄρῳ τάς τε ἀπολογίας  
 370 εἰς ἐκείνον ἀναφέρομένας τοὺς τὸν ἐκείνῳ συνόντας τιμᾶσθαι  
 πειρωμένους, ὥσπερ πολλῶν ἀγαθῶν αἰτίου ἀλλ' οὐ  
 65 μεγάλων κακῶν γεγενημένου. ὃς πρῶτον μὲν τῆς προτέρας  
 ὀδιγαρχίας αἰτιώτατος ἐγένετο, πείσας ὑμᾶς τὴν ἐπὶ τῶν  
 τετρακοσίων πολιτείαν ἐλέσθαι. καὶ ὁ μὲν πατὴρ αὐτοῦ  
 375 τῶν προβούλων ὃν ταῦτ' ἔπραττεν, αὐτὸς δὲ δοκῶν εὐνού-  
 στατος εἶναι τοὺς πράγμασι στρατηγὸς ὑπ' αὐτῶν ἡρέθη.  
 66 καὶ ἔως μὲν ἐτιμάτο, πιστὸν ἔαυτὸν παρεῖχεν· ἐπειδὴ δὲ  
 Πείσανδρον μὲν καὶ Κάλλαισχρον καὶ ἐτέρους ἔώρα  
 προτέρους αὐτοῦ γιγνομένους, τὸ δὲ ὑμέτερον πλῆθος οὐκέτι  
 380 βουλόμενον τούτων ἀκροάσθαι, τότ' ἥδη διά τε τὸν πρὸς

νει ὅν. — **τάναντία πράττων**: cf. § 42.  
 The aor. partic. could not have been  
 used; see on § 27. — **γεγενημένου**: sc.  
 αὐτοῦ. See on § 45.

65. **ὅς**: for the meaning, see on  
 οἵτινες, § 40. — **αἰτιώτατος**: an ex-  
 ageration. The orator Antiphon (see  
 Introd. § 14) was the real author of  
 the scheme according to Thucydides  
 (viii. 68), who, however, mentions  
 with him Pisander and Theramenes  
 as the chief leaders in the establish-  
 ment of the Four Hundred; so Arist.  
*Resp. Ath.* 32. In xxv. 9 Lysias men-  
 tions Phrynicus and Pisander (and in  
 xiii. 73 only Phrynicus), as the found-  
 ers of the Four Hundred. In Xen.  
*Hellen.* ii. 3. 30, Critias says: οὗτος  
 (Theramenes) κατὰ τὸν πατέρα "Ἄγνωνα  
 (taking pattern by his father Hagnon)  
 προπετέστατος (most headlong) ἐγένετο  
 τὴν δημοκρατίαν μεταστῆσαι εἰς τοὺς  
 τετρακοσίους. — **προβούλων**: ‘com-  
 missioners.’ They were at first ten.  
 Afterwards, with the twenty συγγρα-  
 φεῖς (Thuc. viii. 1. 3; 67. 1; Arist.

*Resp. Ath.* 29), they matured the  
 measures which led to the election  
 of the Four Hundred. — **ταῦτα**: for  
 the meaning, see on § 51. — **τοῖς**  
**πράγμασι**: i.e. the government of the  
 Four Hundred. — **ὑπ' αὐτῶν**: for the  
 facts, see App.

66. **πιστόν**: *loyal*, sc. to the Four  
 Hundred. — **ἐπειδὴ κτλ.**: fear and  
 jealousy, according to Lysias, were  
 the only motives influencing Therame-  
 nes, and this is also the view of  
 Thucydides (viii. 89). But he adds  
 that the pretext for assailing the  
 Four Hundred was that the Five  
 Thousand were a name, not a reality.  
 This ‘pretext’ is made the sole  
 reason for Theramenes’s action in  
 Arist. *Resp. Ath.* 33, **αἰτιώτατοι δ'** ἐγέ-  
 νετο τῆς καταλύσεως (sc. of the Four  
 Hundred) 'Αριστοκράτης καὶ Θηραμέ-  
 νης, οὐ συναρεσκόμενοι τοῖς ὑπὸ τῶν  
 τετρακοσίων γιγνομένοις'. Διαπάντα γάρ  
 δι' αὐτῶν ἔπραττον, οὐδὲν ἐπαναφέροντες  
 τοῖς πεντακισχιλοῖς. — **τότ'** **ἥδη**: *tum  
 demum, then, and not till then.*

έκείνους φθόνον καὶ τὸ παρ' ὑμῶν δέος μετέσχε τῶν  
 67 Ἀριστοκράτους ἔργων. βουλόμενος δὲ τῷ ὑμετέρῳ πλήθει  
 δοκεῖν πιστὸς εἶναι, Ἀντιφῶντα καὶ Ἀρχεπτόλεμον φιλτά-  
 τους ὅντας αὐτῷ κατηγορῶν ἀπέκτεινεν, εἰς τοσοῦτον δὲ  
 385 κακίας ἥλθεν, ὡστε ἀμα μὲν διὰ τὴν πρὸς ἔκείνους πίστιν  
 ὑμᾶς κατεδουλώσατο, διὰ δὲ τὴν πρὸς ὑμᾶς τοὺς φίλους  
 68 ἀπώλεσε. τιμώμενος δὲ καὶ τῶν μεγίστων ἀξιούμενος,  
 αὐτὸς ἐπαγγειλάμενος σώσειν τὴν πόλιν αὐτὸς ἀπώλεσε,  
 φάσκων πρᾶγμα ηὔρηκεναί μέγα καὶ πολλοῦ ἄξιον. ὑπέ-  
 390 σχετο δὲ εἰρήνην ποιήσειν μήτε ὅμηρα δοὺς μήτε τὰ τείχη  
 καθελὼν μήτε τὰς ναῦς παραδούς· ταῦτα δὲ εἴπειν μὲν  
 69 οὐδενὶ ἥθελησεν, ἐκέλευσε δὲ αὐτῷ πιστεύειν. ὑμεῖς δέ, ὁ  
 ἄνδρες Ἀθηναῖοι, πραττούσης μὲν τῆς ἐν Ἀρείῳ πάγῳ  
 βουλῆς σωτήρια, ἀντιλεγόντων δὲ πολλῶν Θηραμένει,

— Ἀριστοκράτους: son of Scellius, was a taxiarχ under the Four Hundred (Thuc. viii. 92. 4), and was a noted ‘aristocrat.’ Aristophanes puns on his name, *Aves*, 125, ΕΠ. ἀριστοκρατεῖσθαι δῆλος εἰ ζητῶν. ΕΤ. ἔγω; ἦκιστα· καὶ τὸν Σκελλίου βδελύτομαι. He was one of the generals put to death after Arginusae.

67. Ἀντιφῶντα: see on § 65.— Ἀρχεπτόλεμον: son of Hippodamus (Λρ. *Eg.* 327), and a favourer of peace with Sparta.—κατηγορῶν: the decree, moved by Andron, by which they were accused of high treason, is given in Ps.-Plut. *Vitae X Oratt.*, 834 A. The charge was of intrigue with Sparta. — ἀπέκτεινεν: not, of course, with his own hand; cf. § 23.

68. τιμώμενος κτλ.: Lysias skips to 405 B.C., for there was nothing in the record of Theramenes as general

from 411 to 408 with which to find fault. Of his behaviour in the accusation of the generals (cf. § 36), Lysias could say nothing without accusing the people of a judicial murder.—αὐτὸς: of his own accord (cf. § 70, xxxi. 15), repeated with ἀπώλεσε to emphasize the attack; cf. Xen. *Anab.* iii. 2. 4, αὐτὸς ὀμόσας ἡμῖν, αὐτὸς δεξιὰς δούς, αὐτὸς ἔξαπατήσας.—ὑπέσχετο δέ: there is nothing adversative in δέ here to the English mind; cf. § 9. One might expect γάρ.

69. πραττούσης . . . σωτήρια: the Areopagus had at this period legally no political power, but appears, in the case of this crisis and of some others, to have used its influence in an informal way. Probably it was trying here to reconcile the parties.—πολλῶν: among them was Cleophon, as we know from XIII. 7 ff.—

εἰδότες δὲ ὅτι οἱ μὲν ἄλλοι ἀνθρωποι τῶν πολεμίων ἔνεκα τάπορρητα ποιοῦνται, ἐκεῖνος δὲ ἐν τοῖς αὐτοῦ πολίταις οὐκ ἡθέλησεν εἰπεῖν ταῦτα ἀπὸς τοὺς πολεμίους ἔμελλεν ἔρειν, ὅμως ἐπετρέψατε αὐτῷ πατρίδα καὶ παῖδας καὶ γυναῖκας καὶ ὑμᾶς αὐτούς. οὐδὲ ὁ δὲ ὃν μὲν ὑπέσχετο οὐδὲν ἔπραξεν, οὕτως δὲ ἐνετεθύμητο ὡς χρὴ μικρὰν καὶ ἀσθενῆ γενέσθαι τὴν πόλιν, ὥστε περὶ ὃν οὐδεὶς πώποτε οὔτε τῶν πολεμίων ἐμνήσθη οὔτε τῶν πολιτῶν ἡλπιστε, ταῦθ' ὑμᾶς ἐπεισε πρᾶξαι, οὐχ ὑπὸ Λακεδαιμονίων ἀναγκαζόμενος,

**ἐν τοῖς κτλ.:** see on § 6. — **ἐπετρέψατε:** this was the occasion when Theramenes was sent alone, *πρεσβευτὴν αὐτοκράτορα*, xiii. 10. Lysias says nothing here of the facts that ambassadors had already been sent to the Spartans to sue for peace on favourable terms (*cf.* xiii. 8, Xen. *Hellen.* ii. 2. 11 ff.), and that Theramenes, after his return (from Lysander, not from Sparta), was sent to Sparta with nine others (Xen. *Hellen.* ii. 2. 17), who finally brought the Spartan terms to Athens.

**70. ἐνετεθύμητο:** ‘was so firmly convinced.’ — **οὕτε τῶν πολεμίων ἐμνήσθη κτλ.:** in answer to the first embassy mentioned above, the Spartans had required that the long walls should be taken down for ten stadia (xiii. 8, Xen. *Hellen.* ii. 2. 15). The final terms, doubtless previously agreed upon between the oligarchs and Lysander, required the entire demolition of those walls, the dismantling of the Piraeus, the surrender of all but twelve ships, the return of the exiles, and that Athens should join the Spartan alliance; Xen. *ibid.*

20, cf. Plut. *Lys.* 14. These were the terms on which peace was made at an assembly held probably in April, 404 B.C. Aristotle says that it was stipulated that Athens should assume its ancient form of government, and this is the only condition mentioned in *Resp. Ath.* 34. 3, *τὴς εἰρήνης γενομένης αὐτοῖς ἐφ' ὃ τε πολιτεύσονται τὴν πάτριον πολιτείαν*. Cf. Diod. xiv. 3. It does not seem likely that this provision was among the actual conditions of peace; at any rate, the question of changing the form of government (*τὴν ὑπάρχονσαν πολιτείαν καταλῦσαι*) was not considered until a second assembly, the one mentioned in the next section, which was held in the summer or early in September. In this speech, therefore, Lysias apparently confuses the two meetings; but the knowledge possessed by his hearers might acquit him of intentional deceit. He states the terms more exactly in xiii. 14. — **Ἐπεισε:** sc. in his speech announcing the terms, Xen. *Hellen.* ii. 2. 22, *λέγων ὡς χρὴ πελθεσθαι τοῖς Λακεδαιμονίοις καὶ τὰ τείχη περιαιρεῖν*. — **οὐχ κτλ.:** see on § 71.

ἀλλ' αὐτὸς ἐκείνοις ἐπαγγελλόμενος, τοῦ τε Πειραιῶς τὰ  
405 τείχη περιελεῖν καὶ τὴν ὑπάρχουσαν πολιτείαν καταλῦσαι,  
εὗ εἰδὼς ὅτι, εἰ μὴ πασῶν τῶν ἐλπίδων ἀποστερήσεσθε,  
— 71 ταχεῖαν παρ' αὐτοῦ τὴν τιμωρίαν κομιεῖσθε. καὶ τὸ  
τελευταῖον, ὡς ἀνδρες δικασταί, οὐ πρότερον εἴασε τὴν  
ἐκκλησίαν γενέσθαι, ἔως ὃ ὥμολογημένος ὑπ' ἐκείνων  
410 καιρὸς ἐπιμελῶς ὑπ' αὐτοῦ ἐτηρήθη καὶ μετεπέμψατο μὲν  
τὰς μετὰ Λυσάνδρου ναῦς ἐκ Σάμου, ἐπεδήμησε δὲ τὸ τῶν  
72 πολεμίων στρατόπεδον. τότε δὲ τούτων ὑπαρχόντων καὶ  
παρόντος Λυσάνδρου καὶ Φιλοχάρους καὶ Μιλτιάδου περὶ  
τῆς πολιτείας τὴν ἐκκλησίαν ἐποίουν; ἵνα μήτε ρήτωρ  
415 αὐτοῖς μηδεὶς ἐναντιοῦτο μηδὲ διαπειλοῦτο ὑμεῖς τε μὴ τὰ  
τῇ πόλει συμφέροντα ἔλοισθε, ἀλλὰ τάκείνοις δοκοῦντα

71. Here Aristotle (*Resp. Ath.* 34. 3) differs from Lysias. According to the former, Theramenes, who with other moderates had wished for a return to the old government (the constitution of Solon ?), opposed the institution of the Thirty : *Δυσάνδρου δὲ προσθεμένου (joining) τοῖς δλγαρχικοῖς, καταπλαγεῖς ὃ δῆμος ἡναγκάσθη χειροτονεῖν τὴν δλγαρχίαν.* So Diod. xiv. 3, with the addition that Lysander threatened to kill Theramenes unless he ceased his opposition. Xenophon gives no details of this second assembly, *Hellen.* ii. 3. 2. — οὐ πρότερον... ἔως: instead of the usual οὐ πρότερον πρίν. — ἐκείνων: i.e. the Spartans. — καιρός: the right moment. Probably this was the surrender of Samos. — ἐκ Σάμου: Lysander had therefore sailed thither after the capitulation of Athens to reduce this island; so Diod. xiv. 3. According to Xen. *Hellen.* ii. 3. 3, he did not go until

after the institution of the Thirty. See App. — ἐπεδήμησε: 'had entered the city.' The impf. would denote a state of being in the city. G. 1280; H. 841; cf. vii. 36, xxiii. 15. On the augment, see on ἐξεκλησιάζετε, § 73. — στρατόπεδον: i.e. the army of King Agis; cf. Xen. *Hellen.* ii. 3. 3.

72. τούτων ὑπαρχόντων: it was all a previously arranged affair. — παρόντος: for the sing., see on ἔξιστι, § 12. — Φιλοχάρους: an Athenian, like Miltiades, as the names indicate. They may have been leaders among the oligarchs, sent to fetch Lysander when the time was ripe. — ρήτωρ: a term for any one who addressed the assembly, whether or not a practised speaker; see on xxxi. 27. — ἐναντιοῦτο: on the tense of this verb and of διαπειλοῦτο as contrasted with the aorists following, see App. to xvi. 6.

**73 ψηφίσαισθε.** ἀναστὰς δὲ Θηραμένης ἐκέλευσεν ὑμᾶς τριάκοντα ἀνδράσιν ἐπιτρέψαι τὴν πόλιν καὶ τῇ πολιτείᾳ χρῆσθαι ἦν Δρακοντίδης ἀπέφαινεν. ὑμεῖς δ' ὅμως καὶ 420 οὗτοι διακείμενοι ἔθορυβεῖτε ὡς οὐ ποιήσοντες ταῦτα· ἐγιγνώσκετε γὰρ ὅτι περὶ δουλείας καὶ ἐλευθερίας ἐν

**74 ἐκείνῃ τῇ ἡμέρᾳ ἔξεκλησιάζετε.** Θηραμένης δέ, ὡς ἄνδρες δικασταί (καὶ τούτων ὑμᾶς αὐτοὺς μάρτυρας παρέχομαι), εἴπειν ὅτι οὐδὲν αὐτῷ μέλοι τοῦ ὑμετέρου θορύβου, ἐπειδὴ 425 πολλοὺς μὲν Ἀθηναίων εἰδείη τοὺς τὰ ὅμοια πράττοντας αὐτῷ, δοκοῦντα δὲ Λυσάνδρῳ καὶ Λακεδαιμονίοις λέγοι, μέτ' ἐκείνον δὲ Λύσανδρος ἀναστὰς ἄλλα τε πολλὰ εἴπει καὶ ὅτι παρασπόνδους ὑμᾶς ἔχοι, καὶ ὅτι οὐ περὶ πολιτείας ὑμῖν ἔσται ἄλλὰ περὶ σωτηρίας, εἰ μὴ ποιήσαιθ' ἀ Θηρα-

73. Δρακοντίδης: cf. Arist. *Resp.* *Ath.* 34. 3, ἔγραψε (*moved*) δὲ τὸ ψῆφιμα (*i.e.* the decree establishing the Thirty) Δρακοντίδης Ἀφιδναῖος. He was a low fellow, often cast in suits, and the butt of comic poets; cf. Schol. Ar. *Vesp.* 157. He was one of the Thirty. — ἀπέφαινεν: ‘proceeded to declare’; the proper word would be ἔγραψε (see Arist. just quoted), but Lysias selects a word which shows that their plan was all arranged beforehand. — ὅμως ... διακείμενοι: ‘in spite of being in such a plight.’ — ἔθορυβεῖτε: the regular word used of large bodies of people, signifying sometimes approval, sometimes disapproval; here the latter, as in Plat. *Apol.* 21 A, καὶ ὅπερ λέγω μὴ θορυβεῖτε, ὡς ἄνδρες. — ὡς οὐ ποιήσοντες: a construction closely resembling *indir. disc.* Cf. *xxxii.* 23, and see GMT. 919. — ἔξεκλησιάζετε: on the augment, see G. 543; H. 362 a; and

App. On the tense in *indir. disc.*, cf. vii. 12. G. 1489; H. 936.

74. παρέχομαι: an appeal to the judges as witnesses was not unusual. Cf. vii. 25, xxii. 12, and Plat. *Apol.* 19 D, μάρτυρας δὲ αὐτοὺς ὑμῶν τοὺς πολλοὺς παρέχομαι. — δοκοῦντα κτλ.: a shameless admission. On the fact, cf. Critias's words, Xen. *Hellen.* ii. 3. 25, σὺν τῇ Λακεδαιμονίων γνώμῃ τήνδε τὴν πολιτείαν καθίσταμεν. — παρασπόνδους: because the walls had not been wholly demolished to conform to the treaty. Cf. Plut. *Lys.* 15, ἔφη τὴν πόλιν εἰληφέναι παρασπονδούσαν· ἔσταντι γὰρ τὰ τείχη τῶν ἡμερῶν, ἐν αἷς ἔδει καθηρῆσθαι, παρωχημένων. — οὐ περὶ ... ἔσται: ‘it would not be a question of forms of government.’ Cf. Ar. *Eg.* 87, περὶ πότου (drinking) γοῦν ἔστι σοι; — ἔσται, ποιήσαισθε, κελεύοι: on the change of mood, see G. 1498. — ἄλλὰ περὶ σωτηρίας: ‘but a matter of life or death.’

75 μένης κελεύοι. τῶν δ' ἐν τῇ ἐκκλησίᾳ ὅσοι ἀνδρες ἄγαθοὶ  
ἡσαν, γνόντες τὴν παρασκευὴν καὶ τὴν ἀνάγκην, οἱ μὲν  
αὐτὸν μένοντες ἡσυχίᾳν ἥγον, οἱ δ' ὥχοντο ἀπιόντες, τοῦτο  
γοῦν σφίσιν αὐτοῖς συνειδότες ὅτι οὐδὲν κακὸν τῇ πόλει  
ἐψηφίσαντο· ὀλίγοι δέ τινες καὶ πονηροὶ καὶ κακῶς βου-  
76 λενόμενοι τὰ προσταχθέντα ἔχειροτόνησαν· παρήγγελτο  
γὰρ αὐτοῖς δέκα μὲν οὓς Θηραμένης ἀπέδειξε χειροτονῆ-  
σαι, δέκα δὲ οὓς οἱ καθεστηκότες ἔφοροι κελεύοιεν, δέκα δ'  
ἐκ τῶν παρόντων· οὗτῳ γὰρ τὴν ὑμετέραν ἀσθένειαν ἔώρων  
καὶ τὴν αὐτῶν δύναμιν ἡπίσταντο, ὥστε πρότερον ἥδεσαν  
77 τὰ μέλλοντα ἐν τῇ ἐκκλησίᾳ πραχθήσεσθαι. / ταῦτα δὲ οὐκ  
ἔμοι δεῖ πιστεῦσαι, ἀλλὰ ἐκείνῳ· πάντα γὰρ τὰ ὑπ' ἐμοῦ  
εἰρημένα ἐν τῇ βουλῇ ἀπολογούμενος ἔλεγεν. ὀνειδίζων  
μὲν τοῖς φεύγουσιν, ὅτι δι' αὐτὸν κατέλθοιεν, οὐδὲν φρον-  
τιζόντων Λακεδαιμονίων, ὀνειδίζων δὲ τοῖς τῆς πολιτείας  
445 μετέχουσιν, ὅτι πάντων τῶν πεπραγμένων τοῖς εἰρημένοις

75. **παρασκευὴν**: ‘the plot.’ It was a ‘put-up job’; see on vii. 18.—**ὥχοντο ἀπιόντες**: were off and away; see on § 13.—**γοῦν**: at least, at any rate.

76. Lysias is our only authority for the details given in this section.—**παρήγγελτο**: for the meaning, see on § 44.—**ἀπέδειξε**: nominated, indir. disc., but not changed to the opt., since it is a dependent aorist indicative. G. 1499; H. 935 c. Of the ten nominated by Theramenes one was perhaps Eratosthenes; all probably shared Theramenes’s moderate views.—**καθεστηκότες**: sc. ὑπὸ τῶν ἑταρῶν, cf. § 43.—**κελεύοιεν**: indir. disc. like **ἀπέδειξε**, but here changed since it represents the pres. indicative.—**ἐκ τῶν παρόντων**: a hollow

concession, for the assembly was intimidated.—**πρότερον**: beforehand, i.e. in their clubs.

77. **ἐν τῇ βουλῇ**: on the occasion when Theramenes’s name was struck from the list. Cf. Xen. Hellēn. ii. 3. 24 ff. But his speech, as given by Xenophon, contains nothing of what now follows in Lysias. See App.—**δι' αὐτόν**: on this use of διά, see on § 58.—**οὐδὲν φροντιζόντων**: ‘caring nothing about it.’ The exiles returned after the surrender (see on § 70). The Spartans personally cared only to make Athens weak, and it was only after the intrigues of Lysander and the Athenian oligarchs that the terms of peace were fixed in detail as stated on § 70.—**τοῖς εἰρημένοις τρόποις ὑπ' ἐμοῦ**: called by

τρόποις ὑπ' ἐμοῦ αὐτοῖς ἀϊτιος γεγενημένος τοιούτων  
τυγχάνοι, πολλὰς πίστεις αὐτοῖς ἔργῳ δεδωκὼς καὶ παρ'  
~~78~~ ἐκείνων ὄρκους εἰληφώς. καὶ τοσούτων καὶ ἐτέρων κακῶν  
καὶ αἰσχρῶν καὶ πάλαι καὶ νεωστὶ καὶ μικρῶν καὶ μεγά-  
450 λων αἰτίῳ γεγενημένῳ τολμῆσουσιν αὐτὸν φίλονς ὅντας  
ἀποφαίνειν, οὐχ ὑπὲρ ὑμῶν ἀποθανόντος Θηραμένους ἀλλ'  
ὑπὲρ τῆς αὐτοῦ πονηρίας, καὶ δικαίως μὲν ἐν ὀλιγαρχίᾳ  
δίκην δόντος — ἦδη γὰρ αὐτὴν κατέλυσε — δικαίως δ' ἀν  
ἐν δημοκρατίᾳ· διὸ γὰρ ὑμᾶς κατεδουλώσατο, τῶν μὲν  
455 παρόντων καταφρονῶν, τῶν δὲ ἀπόντων ἐπιθυμῶν, καὶ τῷ  
καλλίστῳ ὄνόματι χρώμενος δεινοτάτων ἔργων διδάσκαλος  
καταστάς.

**79** Περὶ μὲν τοίνυν Θηραμένους ἰκανά μοί ἔστι τὰ κατη-  
γορημένα· ἥκει δ' ὑμῖν ἐκεῖνος ὁ καιρός, ἐν ᾧ δεῖ συγγνώ-

Frohberger a unique instance in Lysias of the separation of a prepositional phrase from the partic. to which it belongs. For the normal order, see three lines above. G. 969; H. 667 a. . See App. — **τοιούτων**: ‘such a ‘return.’ — **πίστεις**: for the meaning, see on § 27.

78. **καὶ**: its frequent repetition here (*ἀθροισμός*) adds great weight. — **τολμῆσουσιν**: on the pl., see p. 28, note 25. — **ὑπὲρ**: repeated for the sake of parallelism; before *πονηρίας* it has the meaning of *ἔνεκα*, cf. § 37. — **οὐχ** **ὑπὲρ . . . Θηραμένους**: though it was not for you that Thera- menes died. — **ἦδη . . . κατέλυσε**: the government of the Four Hundred is meant; cf. § 66. See App. — **ἄν**: belongs to *δόντος*, understood from above. See on § 20; and for the apod. thus expressed by a partic.,

*disparce ful.*

G. 1418. The idea is that, had he lived, he would have been justly punished by the restored democracy after the fall of the Thirty. — **τῶν μὲν παρόντων . . . ἐπιθυμῶν**: the ‘paronomasia’ and ‘homoeoteleuton’ (see the lexicon) lend the air of a proverb to this passage; cf. Theopom- pus ap. Athen. 261 A, **τῶν μὲν ὑπαρχόντων ἡμέουν, τῶν δ' ἀπόντων ἐπεθύμουν**. This ‘belittling what you have and wanting what you have not’ is the opposite of the characteristic of the *ἀνήρ σώφρων* (see on *μετρίως*, XVI. 3). Cf. [Isoer.] I. 29, **στέργε τὰ παρόντα, ζήτει δὲ τὰ βέλτιστα**. Nicias bids the Athenians before the Sicilian expedi- tion *μὴ δυσέρωτας εἶναι τῶν ἀπόντων*, Thuc. vi. 13. — **τῷ καλλίστῳ ὄνόματι**: Thera- menes had come forward as *σωτήρ*, cf. § 68.

**79. ἐκεῖνος ὁ καιρός**: ‘that long-

460 μην καὶ ἔλεον μὴ εἶναι ἐν ταῖς ὑμετέραις γνώμαις, ἀλλὰ παρὰ Ἐρατοσθένους καὶ τῶν τούτου συναρχόντων δίκην λαβεῖν, μηδὲ μαχομένους μὲν κρείττους εἶναι τῶν πολε-  
80 μίων, ψηφιζομένους δὲ ἡπτους τῶν ἔχθρων. μηδ' ὥν φασι μέλλειν πράξειν πλείω χάριν αὐτοῖς ἵστε, ἢ ὥν ἐποίησαν  
465 ὀργύζεσθε· μηδ' ἀποῦσι μὲν τοῦς τριάκοντα ἐπιβουλεύετε,  
παρόντας δ' ἀφῆτε· μηδὲ τῆς τύχης, ἢ τούτους παρέδωκε  
τῇ πόλει, κάκιον ὑμεῖς ὑμῖν αὐτοῖς βοηθήσητε.

81 Κατηγόρηται μὲν Ἐρατοσθένους καὶ τῶν τούτου φίλων,  
οἵς τὰς ἀπολογίας ἀνοίστει καὶ μεθ' ὥν αὐτῷ ταῦτα πέ-  
470 πρακταί. ὁ μέντοι ἄγων οὐκ ἐξ ἴσου τῇ πόλει καὶ Ἐρατο-  
σθένει· οὗτος μὲν γάρ κατήγορος καὶ δικαστὴς αὐτὸς ἦν  
τῶν κρινομένων, ἡμεῖς δὲ νυνὶ εἰς κατηγορίαν καὶ ἀπολο-  
82 γίαν καθέσταμεν.<sup>11</sup> καὶ οὗτοι μὲν τοὺς οὐδὲν ἀδικοῦντας

expected hour.'—**πολεμίων**: this, like **ἔχθρῶν**, refers to the Thirty, in the civil war and in the political or legal arena.—**ψηφιζομένους**: 'at the ballot box.'

80. **ὥν**: assimilated like the following **ῶν** to the case of the omitted antec., which would be a causal gen.—**ὅργιζεσθε**: imv., like **ἴστε** and **ἐπιβουλεύετε**. Note the change in tense: **ἐπιβουλεύετε**, 'keep plotting'; **ἀφῆτε** (subjv.), 'let them off' (once for all). G. 1346; H. 874 a. On the gen. with **ὅργιζεσθαι**, see on **xxxii. II.**—**ἀποῦσι**: the main body of the Tyrants was still in Eleusis.—**τῆς τύχης κτλ.**: cf. Isoср. v. 152, *αἰσχρόν ἐστι καλῶς τῆς τύχης ἡγουμένης ἀπολειφθῆναι, καὶ μὴ παρασχεῖν σαντὸν εἰς ὁ βούλεταί σε προαγαγεῖν.*

81. 'My accusation is finished. But Eratosthenes and his country do

not stand on equal terms. He is granted a fair trial; the patriots were condemned unheard.'—**κατηγόρηται μέν**: see App.—**οἷς ἀνοίστει**: a rare construction (*cf. vii. 17*), instead of the usual *eis* and acc., §§ 28, 64.—**οὐκ ἐξ ίσου**: *not on an equality*. Cf. Ar. *Ran.* 867, *οὐκ ἐξ ίσου γάρ ἐστιν ἀγῶνι νῷν*.—**αὐτός**: 'in one and the same person,' like *idem*. Under the Thirty the functions of the civil courts seem to have been entirely suspended. The Thirty had power to kill anybody whose name was not in the catalogue (see on § 17, Arist. *Resp. Ath.* 37; Xen. *Hellen.* ii. 3. 51); and their senate anybody whose name was in the catalogue (Xen. *ibid.*). In general it was a time of lawlessness; see on **vii. 27**.—**ἡμεῖς...καθέσταμεν**: 'We have settled down to the regular forms of law.'

ἀκρίτους ἀπέκτειναν, ὅμεις δὲ τοὺς ἀπολέσαντας τὴν πόλιν  
 475 κατὰ τὸν νόμον ἀξιοῦτε κρίνειν, παρ' ὧν οὐδ' ἀν παρα-  
 νόμως βουλόμενοι δίκην λαμβάνειν ἀξίαν τῶν ἀδικημάτων  
 ὧν τὴν πόλιν ἡδικήκασι λάβοιτε. τί γὰρ ἀν παθόντες  
 83 δίκην τὴν ἀξίαν εἴησαν τῶν ἔργων δεδωκότες; πότερον εἰ  
 αὐτὸὺς ἀποκτείναιτε καὶ τοὺς παιδας αὐτῶν, ἵκανὴν ἀν τοῦ  
 480 φόνου δίκην λάβοιμεν, ὧν οὗτοι πατέρας καὶ ὑεῖς καὶ  
 ἀδελφοὺς ἀκρίτους ἀπέκτειναν; ἀλλὰ γὰρ εἰ τὰ χρήματα  
 τὰ φανερὰ δημεύσαιτε, καλῶς ἀν ἔχοι ἡ τῇ πόλει, ἥσ οὗτοι  
 πολλὰ εἰλήφασιν, ἡ τοῦς ἰδιώταις, ὧν τὰς οἰκίας ἐξεπόρ-  
 84 θησαν; ἐπειδὴ τοίνυν πάντα ποιοῦντες δίκην παρ' αὐτῶν  
 485 ἵκανὴν οὐκ ἀν δύναισθε λαβεῖν, πῶς οὐκ αἰσχρὸν ὑμῖν καὶ  
 ἡντινοῦν ἀπολιπεῖν, ἤντινά τις βούλοιτο παρὰ τούτων  
 λαμβάνειν; πᾶν δ' ἀν μοι δοκεῖ τολμῆσαι, ὅστις νυνί,  
 οὐχ ἐτέρων ὄντων τῶν δικαστῶν ἀλλ' αὐτῶν τῶν κακῶς  
 πεπονθότων, ἥκει ἀπολογησόμενος πρὸς αὐτὸὺς τοὺς  
 490 μάρτυρας τῆς τούτου πονηρίας· τοσοῦτον ἡ ὑμῶν κατα-

82. Further reasons why the issue between Eratosthenes and the city is not a fair one.—οὐδ' ἄν: on the position of *ἄν* (which belongs to *λάβοιτε*), cf. § 37. So in the following *τι γὰρ ἄν*. — ἀδικημάτων: depends on *ἀξίαν*.

83. ὧν: its antecedent is the subj. of *λάβοιμεν*. — ὑεῖς: on the form, see on § 34. — ἀλλὰ γάρ: see on § 40. — φανερά: a word used, speaking roughly, of 'real' in distinction from 'personal' property; see on XXXII. 4. — καλῶς ἀν ἔχοι: would it be enough? Cf. Eur. Hel. 1579, ἔτ', ὡς ξέν', εἰς τὸ πρόσθεν, ἡ καλῶς ἔχει, πλεύσωμεν; . . . ὁ δ' εἶφ'. ἀλις μοι. — τῆς: for the case, see on § 40.

84. ἡντινοῦν: *any whatsoever*. H. 1002 a; cf. xxii. 15.—βούλοιτο: an opt. without *ἄν* in a rel. clause depending on an expression of property (here impropriety) in a primary tense (GMT. 555). Cf. Plat. Rep. 332A, ἀποδοτέον οὐδ' ὀπωστιοῦν τότε, ὀπέτε τις μὴ σωφρόνως ἀπαιτοῖ, *a deposit should not be returned on any account when the person who asks it back is not in his right mind*. — πᾶν: 'anything and everything.'—ὅστις: for the meaning, see on XXIII. 12. — ἥκει ἀπολογησόμενος: cf. § 22, and see p. 27, note 20. — τοσοῦτον: sums up the foregoing and draws the inference; hence without *γάρ*. See on *τοιαῦτα*, § 1, and cf. οὕτως, XXXII. 21.

85 πεφρόνηκεν ἡ ἑτέροις πεπίστευκεν. ὧν ἀμφοτέρων ἄξιον ἐπιμεληθῆναι, ἐνθυμουμένους ὅτι οὗτ' ἀν ἔκεīνα ἐδύναντο ποιεῖν μὴ ἑτέρων συμπραττόντων, οὐτ' ἀν τοῦν ἐπεχείρησαν ἐλθεῖν μὴ ὑπὸ τῶν αὐτῶν οἰόμενοι σωθήσεσθαι, οἱ οὐ τού-  
495 τοις ἥκουσι βοηθήσοντες, ἀλλὰ ἡγούμενοι πολλὴν ἄδειαν σφίσιν ἔσεσθαι καὶ τοῦ λοιποῦ ποιεῖν ὃ τι ἀν βούλωνται,  
εἰ τοὺς μεγίστων κακῶν αἴτίους λαβόντες ἀφήσετε.

86 'Αλλὰ καὶ τῶν συνερούντων αὐτοῖς ἄξιον θαυμάζειν, πότερον ὡς καλοὶ κάγαθοὶ αἰτήσονται, τὴν αὐτῶν ἀρετὴν 500 πλείονος ἄξιαν ἀποφαίνοντες τῆς τούτων πονηρίας—ἐβουλόμην μέντ' ἀν αὐτοὺς οὕτω προθύμους εἶναι σφέζειν τὴν πόλιν, ὡσπερ οὗτοι ἀπολλύναι—ἢ ὡς δεινοὶ λέγειν ἀπολογήσονται καὶ τὰ τούτων ἔργα πολλοῦ ἄξια ἀποφανοῦσιν· ἀλλ' οὐχ ὑπὲρ ὑμῶν οὐδεὶς αὐτῶν οὐδὲ τὰ δίκαια πάποτε 505 ἐπεχείρησεν εἰπεῖν.

87 'Αλλὰ τοὺς μάρτυρας ἄξιον ἰδεῖν, οἱ τούτοις μαρτυροῦντες αὐτῶν κατηγοροῦσι, σφόδρα ἐπιλήσμονας καὶ εὐήθεις νομίζοντες ὑμᾶς εἶναι, εἰ διὰ μὲν τοῦ ὑμετέρου πλήθους

85. ἔκεīνα: 'those crimes.' — ἐδύ-  
ναντο: impf., used of repeated actions  
in past time in a supposition con-  
trary to fact. — G. 1397; H. 895 a. Cf.  
xiii. 36, εἰ μὲν οὖν ἐν τῷ δικαστηρῷ  
ἐκρίνοντο (if their several trials had  
been held in court), βαδῶς ἀν ἐσφέζοντο.  
— ἐλθεῖν: sc. before the court. — οἱ...  
βοηθήσοντες: former members of the  
oligarchical party are meant, present,  
acc. to Lysias, not to speak for Era-  
stosthenes, but to see how this test case  
was going to be decided. — ἄδειαν:  
immunity. — καὶ: also. — ποιεῖν: de-  
pends on ἄδειαν as in xxii. 19, but in  
xxx. 34 we have τοῦ ποιεῖν. See App.

86. ἀλλὰ καὶ: transition to a brief

attack on the συνήγοροι (cf. xxxi. 32,  
and see Introd. § 36), some of whom  
may be included under οἱ... βοηθή-  
σοντες, § 85. — καλοὶ κάγαθοὶ: Lysias  
employs sneeringly one of the terms  
regularly applied by oligarchs to  
themselves. Other terms were βελ-  
τιστοὶ, χρηστοὶ. — αἰτήσονται: the  
simple verb is used of συνήγοροι also  
in xxx. 33, but more commonly ἔξαι-  
τεῖσθαι, as in xxx. 31. — ἐβουλόμην  
ἄν: I could wish; see on § 22. — οὐδὲ  
τὰ δίκαια: not even what was just.

87. εὐήθεις: a common ironical  
term signifying ἀφρονας, as in xvi. 6.—  
διά: observe the use of gen. and acc.  
here. The δέ clause is best subordi-

ἀδεῶς ἥγοῦνται τὸν τριάκοντα σώσειν, διὰ δὲ Ἐρατοσθένη  
 510 καὶ τὸν συνάρχοντας αὐτοῦ δεινὸν ἦν καὶ τῶν τεθνεώτων  
 88 ἐπ' ἐκφορὰν ἐλθεῖν. καίτοι οὗτοι μὲν σωθέγετες πάλιν ἀν  
 δύναντο τὴν πόλιν ἀπολέσαι· ἐκεῖνοι δέ, οὓς οὗτοι ἀπώ  
 λεσσαν, τελευτήσαντες τὸν βίον πέρας ἔχουσι τῆς τῶν  
 ἔχθρῶν τιμωρίας. οὐκ οὖν δεινὸν εἰ τῶν μὲν ἀδίκως  
 515 τεθνεώτων οἵ φίλοι συναπώλλυντο, αὐτοῖς δὲ τοῖς τὴν  
 πόλιν ἀπολέσασιν ἐπ' ἐκφορὰν πολλοὶ ἥξουσιν, ὅπότε  
 89 βοηθεῖν τοσοῦτοι παρασκευάζονται; καὶ μὲν δὴ πολλῷ  
 ῥᾷον ἥγοῦμαι εἶναι ὑπὲρ ὃν ὑμεῖς ἐπάσχετε ἀντειπεῖν ἡ  
 ὑπὲρ ὃν οὗτοι πεποιήκασιν ἀπολογήσασθαι. καίτοι λέ  
 520 γουσιν ὡς Ἐρατοσθένει ἐλάχιστα τῶν τριάκοντα κακὰ  
 εἴργασται, καὶ διὰ τοῦτο αὐτὸν ἀξιοῦσι σωθῆναι· δτὶ δὲ  
 τῶν ἄλλων Ἑλλήνων πλεῖστα εἰς ὑμᾶς ἐξημάρτηκεν, οὐκ  
 οἴονται χρῆναι αὐτὸν ἀπολέσθαι;

nated by using *while* and *yet* in translation.—*ἐπι*: of the object sought. G. 1210, 3 c; H. 799, 3 c.—*ἐκφοράν*: see on §§ 18, 21, 96, cf. Aeschines III. 235, (*οἱ τριάκοντα*) οὐδὲ ἐπὶ τὰς ταφὰς καὶ ἐκφορὰς τῶν τελευτησάντων εἰναὶ τὸν προσήκοντας παραγγενεσθαι.

88. *καίτοι*: *and yet*.—*πέρας ἔχουσι ... τιμωρίας*: *have no opportunity left for taking vengeance on their foes*. The gen. *ἔχθρῶν* is objective. The phrase *πέρας ἔχειν* means ‘be at an end,’ cf. Lycurg. Leocr. 60, *περὶ τὰς πόλεις (in the case of cities) συμβαλγεῖ πέρας ἔχειν τὴν ἀτυχίαν δταν ἀνάστατοι (utterly overthrown) γένωνται*. The Thirty, if spared, might return and revenge themselves by setting up another oligarchy (*πάλιν ... ἀπολέσαι*); the patriot dead were helpless.—*δεινὸν εἰ*: see on § 36.—*συναπώλ-*

*λυντο*: for the tense, see on *ἐλάμβανον*, § 27.—*ἐπ' ἐκφορὰν κτλ.*: bitterly sarcastic. Lysias takes a favourable verdict for granted.

89. *καὶ μὲν δὴ*: *and yet certainly*.—*ῥᾷον εἶναι*: the inf. is impf. in time here and the clause represents *ῥᾷον ἦν*, *it were easier* (without *ἄν*, see on § 32), but as understood after *ἢ* it is present, representing *ἔστι*.—*ἀντειπεῖν*: *sc.* in answer to what the Thirty were doing.—*τῶν τριάκοντα*: part. genitive. Cf. xxii. 6, *ἡ ναῦς δρυστά μοι ἐπλει παντὸς τοῦ στρατοπέδου*.—*τῶν ἄλλων Ἑλλήνων*: i.e. all except the Thirty. The genitive, considered as partitive, is, strictly speaking, illogical, since Eratosthenes was one of the Thirty. But this use of *τῶν ἄλλων* after a superlative is common enough from Homer down.

- 90 Ὁμεῖς δὲ δείξετε ἡντινα γνώμην ἔχετε περὶ τῶν πραγ-  
525 μάτων. εἰ μὲν γὰρ τούτου καταψηφιεῖσθε, δῆλοι ἔσεσθε  
ώς ὄργιζόμενοι τοῦς πεπραγμένους· εἰ δὲ ἀποψηφιεῖσθε,  
δόθήσεσθε τῶν αὐτῶν ἔργων ἐπιθυμητὰ τούτοις ὅντες, καὶ  
οὐχ ἔξετε λέγειν ὅτι τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα  
91 ἐποιεῖτε· νυνὶ μὲν γὰρ οὐδεὶς ὑμᾶς ἀναγκάζει παρὰ τὴν  
530 ὑμετέραν γνώμην ἀποψηφίζεσθαι. ὥστε συμβούλεύνω μὴ  
τούτων ἀποψηφισαμένους ὑμῶν αὐτῶν καταψηφίσασθαι.  
μηδ' οἰεσθε κρύβδην εἶναι τὴν ψῆφον· φανερὰν γὰρ τῇ  
πόλει τὴν ὑμετέραν γνώμην ποιήσετε.
- 92 Βούλομαι δὲ ὀλίγα ἔκατέρους ἀναμνήσας καταβαίνειν,  
535 τούς τε ἐξ ἀστεως καὶ τοὺς ἐκ Πειραιῶς, ἵνα τὰς ὑμῖν διὰ  
τοῦτον γεγενημένας συμφορὰς παραδείγματα ἔχοντες τὴν

*Cf. Il. ii. 673, Νιρέν, ὃς κάλλιστος ἀνὴρ ὑπὸ "Ιλιον ἤλθεν τῶν ἀλλων Δαναῶν, Plat. Rep. 603 E, ἀνὴρ ἐπιεικῆς . . . νιὸν ἀποδέσας . . . βάστα οἴσει τῶν ἀλλων. Cf. expressions like Thuc. i. 50. 2, νανυμαχία . . . μεγίστη δὴ τῶν πρὸ αὐτῆς. Tacitus imitates the Greek usage; cf. Agr. 34, hi ceterorum Britan-norum fugacissimi. Cf. Milton's "Adam, the goodliest of men since born | His sons, the fairest of her daughters Eve." In Greek, the genitive is thought to be ablative, or is sometimes called the genitive of separation, expressing the point from which the comparison is made. See App.*

90. **δείξετε**: in this and the following section Lysias is really addressing *τοὺς ἐξ ἀστεως*, hence the menacing fut. tense here and in the following protases, for which see on § 11. — **δῆλοι ἔσεσθε ὡς ὄργιζόμενοι**: a case of *ὡς* with the partic. in indir. dis-

course. Cf. Xen. Anab. i. 5. 9, *δῆλος ἦν Κύπρος ὡς σπεύδων*, Cyrus showed that he was hastening. G. 1593; GMT. 916. On the personal use of *δῆλος* here, see G. 1589; H. 981. — **τὰ ὑπὸ . . . ἐποιεῖτε**: with reference to Eratosthenes's defence in §§ 25, 29.

91. **νυνὶ**: more emphatic than *νῦν*. — **κρύβδην**: of course the actual balloting was, as usual, to be secret. The meaning is that the result of the vote will be recognized as a test of the feelings of the City party. On adverbs in the predicate as here, cf. Dem. xix. 239, οὐ γάρ εἰ κρύβδην ἔστιν ἡ ψῆφος, λήσει τοὺς θεούς, and Isocr. iv. 5, ὥστ' ἥδη μάτην εἶναι τὸ μεμνῆσθαι περὶ τούτων. See App.

92. The orator abandons his threatening tone, and in the following sections appeals to the sense of honour and of shame in the City party; then he arouses the spirit of vengeance in the party of the Piraeus. — **καταβα-**

ψῆφον φέρητε. καὶ πρῶτον μὲν ὅσοι ἔξ ἄστεώς ἐστε,  
σκέψασθε ὅτι ὑπὸ τούτων οὕτω σφόδρα ἥρχεσθε, ὥστε  
ἀδελφοῖς καὶ ὑέσι καὶ πολίταις ἡναγκάζεσθε πολεμεῖν  
540 τοιοῦτον πόλεμον, ἐν ᾧ ἡττηθέντες μὲν τοῖς νικήσασι τὸ  
93 ἵσον ἔχετε, νικήσαντες δ' ἀν τούτοις ἔδουλεύετε. καὶ τοὺς  
ἰδίους οἴκους οὕτοι μὲν ἐκ τῶν πραγμάτων μεγάλους ἔκτή-  
σαντο, ὑμεῖς δὲ διὰ τὸν πρὸς ἀλλήλους πόλεμον ἐλάττους  
ἔχετε· συνωφελεῖσθαι μὲν γὰρ ὑμᾶς οὐκ ἡξίουν, συνδια-  
545 βάλλεσθαι δ' ἡνάγκαζον, εἰς τοσοῦτον ὑπεροφίας ἐλθόντες  
ώστε οὐ τῶν ἀγαθῶν κοινούμενοι πιστοὺς ὑμᾶς ἔκτῶντο,  
94 ἀλλὰ τῶν ὀνειδῶν μεταδιδόντες εὔνους ὠντο εἶναι. ἀνθ'  
ῶν ὑμεῖς νῦν ἐν τῷ θαρραλέῳ ὄντες καθ' ὅσον δύνασθε  
καὶ ὑπὲρ ὑμῶν αὐτῶν καὶ ὑπὲρ τῶν ἐκ Πειραιῶς τιμωρή-  
550 σασθε, ἐνθυμηθέντες μὲν ὅτι ὑπὸ τούτων πονηροτάτων  
ὄντων ἥρχεσθε, ἐνθυμηθέντες δὲ ὅτι μετ' ἀνδρῶν νῦν  
ἀρίστων πολιτεύεσθε καὶ τοῖς πολεμίοις μάχεσθε καὶ

νειν: sc. ἀπὸ τοῦ βήματος. — παραδείγ-  
ματα: ‘warnings.’ — οὕτω σφόδρα  
ἥρχεσθε: ‘their government was so  
severe.’ Cf. Ar. *Avt.* 508, *ἥρχον δ'*  
οὕτω σφόδρα τὴν ἀρχήν. — τοιοῦτον  
ἐν φ.: ‘of such a sort that.’ — ἡττη-  
θέντες: concessive. — τὸ ἵσον: for the  
meaning, see on § 35. Isocrates says  
that it resulted ὥστε μηδὲν ἔλαττον  
ἔχειν τοὺς ἐκβαλόντας τῶν κατελθόντων,  
vii. 67. — νικήσαντες: prot. of ἀν ἔδου-  
λεύετε, which is pres. in time.

93. οἴκους: for the meaning, cf.  
xxxii. 23, and Xen. *Oec.* vi. 4, *oīkos*  
δ' ἡμῖν ἐφαίνετο διπερ (the same *as*)  
κτῆσις ἡ σύμπασα. — μεγάλους ἔκτή-  
σαντο: how they did this may be  
seen from §§ 6, 8, 11, 19, 99; cf.  
Arist. *Resp.* *Ath.* 35. 4, ἀπέκτεινον

τοὺς καὶ ταῖς οὐσίαις καὶ τῷ γένει καὶ  
τοῖς ἀξιώμασιν προέχοντας. — συνωφε-  
λεῖσθαι . . . ἡνάγκαζον: ‘they did not  
suffer you to share their advantages  
(cf. xvi. 5), but obliged you to share  
their dishonour.’ See on § 30. —  
ὑμᾶς: obj. with ἔκτῶντο, but subj.  
with εὔνους εἶναι. — ἔκτῶντο: of at-  
tempted action. See on καθιστάς, § 42.  
— εἶναι: pres. after a ‘verb of ex-  
pecting’; see on ποιήσειν, § 9.

94. ἀνθ' ὧν: ‘to pay for this.’ —  
ἐν τῷ θαρραλέῳ: because the democ-  
racy was restored. — νῦν ἀρίστων:  
by the hyperbaton (II. 1062) of νῦν,  
which belongs to πολιτεύεσθε, a strong  
emphasis is given to ἀρίστων, a term  
applied to the patriots for their endur-  
ance and courage (cf. § 97). —

περὶ τῆς πόλεως βουλεύεσθε, ἀναμνησθέντες δὲ τῶν ἐπικούρων, οὓς οὗτοι φύλακας τῆς σφετέρας ἀρχῆς καὶ τῆς 95 ὑμετέρας δουλείας εἰς τὴν ἀκρόπολιν κατέστησαν. καὶ πρὸς ὑμᾶς μὲν ἔτι πολλῶν ὄντων εἰπεῖν τοσαῦτα λέγω. ὅσοι δ' ἐκ Πειραιῶς ἔστε, πρῶτον μὲν τῶν ὅπλων ἀναμνήσθητε, ὅτι πολλὰς μάχας ἐν τῇ ἀλλοτρίᾳ μαχεσάμενοι οὐχ ὑπὸ τῶν πολεμίων ἀλλ' ὑπὸ τούτων εἰρήνης οὕσης 560 ἀφηρέθητε τὰ ὅπλα, ἐπειθ' ὅτι ἔξεκηρύχθητε μὲν ἐκ τῆς πόλεως, ἦν δὲ τὸν οἱ πατέρες παρέδοσαν, φεύγοντας δὲ ὑμᾶς 96 ἐκ τῶν πόλεων ἔξηγοῦντο. ἀνθ' ᾧν ὁργίσθητε μὲν ὥσπερ ὅτ' ἐφεύγετε, ἀναμνήσθητε δὲ καὶ τῶν ἄλλων κακῶν ἃ πεπόνθατε ὑπ' αὐτῶν, οἱ τοὺς μὲν ἐκ τῆς ἀγορᾶς τοὺς δ' 565 ἐκ τῶν ἱερῶν συναρπάζοντες βιαίως ἀπέκτειναν, τοὺς δὲ ἀπὸ τέκνων καὶ γονέων καὶ γυναικῶν ἀφέλκοντες φονέας αὐτῶν ἡνάγκασαν γενέσθαι καὶ οὐδὲ ταφῆς τῆς νομιζομένης εἴσαντα τυχεῖν, ἡγούμενοι τὴν αὐτῶν ἀρχὴν βεβαιο-

**ἐπικούρων:** *Callibius and his seven hundred mercenaries; see on § 6 and App. to § 6o.*

95. **τοσαῦτα:** *see on οὐχ δσον, § 11.* — **ἀφηρέθητε τὰ ὅπλα:** *for the facts, see on § 40. — ἔξεκηρύχθητε ἐκ τῆς πόλεως:* more exact would have been ἐκ τοῦ δστρεως (see on § 16), for after the execution of Theramenes the Thirty προεῖπον τοῖς ἔξω τοῦ καταλόγου μὴ εἰσέγαι εἰς τὸ δστυ, Xen. *Hellen.* ii. 4. 1; so Lys. xxv. 22, xxxi. 8. The Piraeus was not forbidden them. On the verb ἔκκηρύττω, see on § 35. — **ἐκ τῶν πόλεων:** *i.e. the cities belonging to the Spartan alliance, which now included nearly all Greece (hence πανταχθεν, § 97); cf. Diod. xiv. 6, Λακεδαιμόνιοι . . . ἐψηφίσαντο τοὺς Ἀθη-*

*ναίων φυγάδας ἐξ ἀπάσης τῆς Ἑλλάδος ἀγωγίμονς (subject to arrest) τοῖς τριάκοντα εἶναι.* But Thebes (see on § 58), Argos, Megara, and Chalcis (*cf. xxiv. 25*) harboured them.

96. **ὅτ' ἐφεύγετε:** *when you were in exile. — ἐκ τῆς ἀγορᾶς:* *cf. Xen. *Hellen.* ii. 4. 14 quoted on § 8, and Dem. xxii. 52, τοῦτο κατηγοροῦσι τῶν τριάκοντα, δτι τοὺς ἐκ τῆς ἀγορᾶς ἀπῆγον.* The agora was under the protection of the θεοὶ ἀγοραῖοι. — **ἐκ τῶν ιερῶν:** *cf. § 98.* Theramenes was dragged from the altar, Xen. *Hellen.* ii. 3. 55. — **φονέας αὐτῶν:** *by forcing them to drink hemlock; cf. § 17. — ταφῆς τῆς νομιζομένης:* *cf. §§ 18, 21; xxxi. 21; xxxii. 8. — βεβαιοτέραν:* *surer than or too secure for.*

- 97 τέραν εἶναι τῆς παρὰ τῶν θεῶν τιμωρίας. / ὅσοι δὲ τὸν  
 570 θάνατον διέφυγον, πολλαχοῦ κινδυνεύσαντες καὶ εἰς πολ-  
 λὰς πόλεις πλανηθέντες καὶ πανταχόθεν ἐκκηρυττόμενοι,  
 ἐνδεεῖς ὅντες τῶν ἐπιτηδείων, οἱ μὲν ἐν πολεμίᾳ τῇ πατρίδι  
 τοὺς παῖδας καταλιπόντες, οἱ δὲ ἐν ξένῃ γῇ, πολλῶν ἐναν-  
 τιουμένων ἥλθετε εἰς τὸν Πειραιᾶ. πολλῶν δὲ καὶ μεγά-  
 575 λων κινδύνων ὑπαρξάντων ἄνδρες ἀγαθοὶ γενόμενοι τοὺς  
 μὲν ἥλενθερώσατε, τοὺς δὲ εἰς τὴν πατρίδα κατηγάγετε.  
 98 εἰ δὲ ἐδυστυχήσατε καὶ τούτων ἡμάρτετε, αὐτοὶ μὲν ἀν-  
 δείσαντες ἐφεύγετε μὴ πάθητε τοιαῦτα οὖτα καὶ πρότερον,  
 καὶ οὕτω ἀν ιερὰ οὔτε βωμοὶ ὑμᾶς ἀδικουμένους διὰ τοὺς  
 580 τούτων τρόπους ὡφέληστεν, ἀ καὶ τοῖς ἀδικοῦσι σωτήρια  
 γίγνεται. οἱ δὲ παῖδες ὑμῶν, ὅσοι μὲν ἐνθάδε ἦσαν, ὑπὸ<sup>τούτων</sup> ἀν ὑβρίζοντο, οἱ δὲ ἐπὶ ξένης μικρῶν ἀν ἔνεκα  
 συμβολαίων ἐδούλευον ἐρημίᾳ τῶν ἐπικουρησόντων.  
 99 Ἀλλὰ γάρ οὐ τὰ μέλλοντα ἔσεσθαι βούλομαι λέγειν,

97. **πλανηθέντες κτλ.**: for the facts, see on § 95.—**πολεμίᾳ**: pred. position, ‘which had now become a hostile country.’—**τοὺς μέν, τοὺς δέ**: the two sets of children mentioned above.—**εἰς τὴν πατρίδα**: with *καταγενεῖν*, *κατέρχεσθαι*, technical expressions used of a return from exile, the *terminus ad quem* is usually omitted; cf. §§ 58, 77; xvi. 6.

98. **ἐδυστυχήσατε**: for the meaning, see on §. 35.—**τούτων**: refers back to *ἥλενθερώσατε* and *κατηγάγετε*.

— **δείσαντες**: ‘in utter fear,’ emphatic in position, preceding instead of following *ἐφεύγετε*. Cf. *μαθόντες*, § 35.—**πάθητε**: subjv., as *ἐφεύγετ’ ἀν* is primary. GMT. 172.—**ἥσαν**: for the tense, see on § 29.—**ἐπὶ ξένης**:

‘in foreign lands,’ a common expression in the orators.—**συμβολαίων**: *loans*.—**ἐδούλευον**: not actual slavery, but enforced work done for the lender until the debt was paid; cf. Isocr. xiv. 48, *τοὺς παῖδας . . . πολλοὺς μὲν μικρῶν ἔνεκα συμβολαίων δουλεύοντας, ἄλλους δὲ ἐπὶ θητείαν ιόντας*.—**ἐρημίᾳ τῶν ἐπικουρησόντων**: ‘for lack of any to succour them.’ Cf. *διαδεξόμενον*, xxiv. 6, and Isocr. xix. 29, οἱ ἔνδειαν τοῦ θεραπεύσοντος. GMT. 826.

99. **ἀλλὰ γάρ**: *but enough! for*—. A phrase used in changing the subject; cf. vii. 9, xxii. 11, xxiv. 14.—**μέλλοντα**: ‘would be going.’ Cf. vii. 24, and see on *παρόν*, § 30. G. 1402, 3; GMT. 428. For a different

585 τὰ πραχθέντα ὑπὸ τούτων οὐ δυνάμενος εἰπεῖν· οὐδὲ γὰρ  
 ἐνὸς κατηγόρου οὐδὲ δυοῖν ἔργον ἔστιν, ἀλλὰ πολλῶν.  
 ὅμως δὲ τῆς ἐμῆς προθυμίας οὐδὲν ἐλλέλειπται, ὑπέρ τε  
 τῶν ιερῶν, ἢ οὗτοι τὰ μὲν ἀπέδοντο τὰ δ' εἰσιόντες ἐμία-  
 νον, ὑπέρ τε τῆς πόλεως, ἦν μικρὰν ἐποίουν, ὑπέρ τε τῶν  
 590 νεωρίων, ἢ καθεῖλον, καὶ ὑπὲρ τῶν τεθνεώτων, οἷς ὑμεῖς,  
 ἐπειδὴ ζῶσιν ἐπαμῦνάν σούκ ἡδύνασθε, ἀποθανοῦσι βοηθή-  
 100 σατεῖοι οἵμαι δ' αὐτοὺς ἡμῶν τε ἀκροᾶσθαι καὶ ὑμᾶς  
 εἴσεσθαι τὴν ψῆφον φέροντας, ἥγουμένους, ὅσοι μὲν ἀν  
 τούτων ἀποψηφίσησθε, αὐτῶν θάνατον κατεψηφισμένους  
 595 ἔστεσθαι, ὅσοι δ' ἀν παρὰ τούτων δίκην λάβωσιν, ὑπὲρ  
 αὐτῶν τὰς τιμωρίας πεποιημένους.

sense, cf. xxii. 20. — οὐ δύναμενος: a return to the thought of § 1. — *ἱερῶν*: *ἱερά* is a general term, including not only the buildings themselves but also their sacred implements and treasures as well as the holy precincts (*τεμένη*) about them, and it doubtless is not meant that the Thirty sold actual temples. — *τὰ μέν*, *τὰ δέ*: partitive apposition. H. 624 d. — *μικράν*: cf. xiii. 46, ὥστε μηδὲν διαφέρειν τῆς ἐλαχιστῆς πόλεως τὴν πόλιν. — *νεωρίων*: the νεώρια consisted of νεώσοικοι, ναυπήγια, and σκευοθήκη (*arsenal*). — *καθεῖλον*: in order to ensure the downfall of democratic Athens, whose power lay in her ships, the νεώσοικοι, which had cost three thousand talents, were sold for three by the Thirty ἐπὶ καθαιρέσει, to be torn down; Isocr. vii. 66. — οἰς βοηθήσατε: for the rel. with inv., see on § 60. — *ἡδύνασθε*: see App.

100. This passage appeals to the popular belief that the dead were

conscious of what went on in the world in matters of peculiar interest to them. See App. — *ἡμῶν*: i.e. Lysias and others who were accusing Eratosthenes. Lysias never uses the pl. *ἡμεῖς* of himself alone (Frohberger). — *εἴσεσθαι... φέροντας*: not know that you/are casting (indir. disc.), but be *aware* of your casting your votes (G. 1582; GMT. 884; cf. xvi. 20); for *εἰδέναι* when used in connexion with a verb of hearing approaches closely in meaning to *ἰδεῖν*. Cf. Isocr. xii. 168, τίς γὰρ οὐκ οἴδεν ἢ τίς οὐκ ἀκήκοε; Dem. iv. 3, καὶ παρ' ἄλλων ἀκούοντι καὶ τοῖς εἰδόσιν αὐτοῖς ἀναμμυγσκομένους. — *ἀποψηφίση-σθε*: shall have acquitted; GMT. 90. — *κατεψηφισμένους* *ἔστεσθαι*: fut. perf. G. 706; H. 467 a; GMT. 80 and 114. Cf. xxii. 19. — *κατηγορῶν*: see on *λέγοντι*, § 1. — *ἀκηκόατε κτλ.*: a strong climax. Aristotle seems to have had this passage in mind in Rhet. iii. 19, τελευτὴ δὲ τῆς λέξεως

Παύσομαι κατηγορῶν. ἀκηκόατε, ἐωράκατε, πεπόνθατε,  
ἔχετε· δικάζετε.

ἀρμόττει ἡ ἀσύνδετος ὅπως ἐπίλογος  
ἄλλα μὴ λόγος ἔ. Εἰρηκα, ἀκηκόατε,  
ἔχετε, κρίνατε. — ἔχετε: 8c. *in your*  
power. Cf. Lycurg. Leocr. 27, τοῦτον  
ἔχοντες ἐν τῇ ὑμετέρᾳ ψήφῳ οὐκ ἀπο-  
κτενεῖτε;

## FOR MANTITHEUS.

### INTRODUCTION.

THE Greek title of this speech shows that Mantitheus, having been elected to an office, had come up before the Senate to pass his δοκιμασία.<sup>1</sup> We do not know positively what the office was, but it is most probable that it was that of Senator. The outgoing Senate conducted the δοκιμασία of its successor.<sup>2</sup> The principal charge against Mantitheus was that he had served in the cavalry under the Thirty Tyrants (§ 3), and this service, as we know from another oration of Lysias,<sup>3</sup> was enough to keep a man out of the Senate. Finally, the language of § 8 strengthens the theory that the office in question was that of Senator.

While any connexion whatever with the Tyrants was remembered against a man for years (*cf.* vii. 27, xxiv. 25), it was natural that service in their cavalry should be the cause of particular hatred. For the cavalry had been prominent from the first with the Thirty and the Spartan troops against the patriots,<sup>4</sup> in the slaughter at Eleusis,<sup>5</sup> with the first board of Ten,<sup>6</sup> and in the last stage of the struggle after the Thirty had withdrawn from the city.<sup>7</sup> Pausanias, also, had employed them in his half-hearted contest against Thrasybulus.<sup>8</sup> The hatred felt for the cavalry was shown four years later, in 399 b.c., when the Spartan Thibron applied to Athens for a cavalry contingent to serve against Tissaphernes. The Athenians sent three hundred men who had been in the Thirty's cavalry, νομίζοντες κέρδος τῷ δῆμῳ, εἰ ἀποδημοῖεν καὶ ἐναπόλοιντο.<sup>9</sup>

<sup>1</sup> See Introd. § 8.

<sup>5</sup> *Ibid.* 8 and 9.

<sup>2</sup> M. and S. p. 238; Gilbert, *Antiq.* p. 266; Arist. *Resp. Ath.* 45. 3.

<sup>6</sup> Arist. *Resp. Ath.* 38. 2.

<sup>3</sup> xxvi. 10; *cf.* And. i. 75.

<sup>7</sup> Xen. *Hellen.* ii. 4. 26.

<sup>4</sup> Xen. *Hellen.* ii. 4. 2 and 10.

<sup>8</sup> *Ibid.* 31.

<sup>9</sup> *Ibid.* iii. 1. 4.

In view of all this, it was vital that Mantitheus should refute the charge. He does this by documentary evidence. On entrance into service, each cavalryman received a certain sum (called the *κατάστασις*<sup>10</sup>) from the State to help pay for his outfit. The restored democracy determined to recover for the treasury the money which had been thus paid out to the Thirty's cavalry. A decree was passed (§ 6) that the phylarchs<sup>11</sup> should make out a list of these men and hand it over to the syndics,<sup>12</sup> to whom was entrusted the business of recovering the money. This list was the document on which Mantitheus relied, and he points out that his name was not on it. He contends also that fear of punishment would prevent the phylarchs from falsifying it (§ 7). His enemies, also, relied upon a document, — the Thirty's own list of cavalry, called the *σανδίον*<sup>13</sup> in § 6. But Mantitheus asserts that this was full of falsifications, and that it deserved no credit. In fact, this list probably contained the names of all whom the Thirty *expected* to serve in the cavalry, though some of them escaped service by absence from Athens or in other ways. It should be observed, however, that his own argument, based on the absence of his name from the phylarchs' list, is somewhat fallacious; for he might have served without having received a *κατάστασις*, since he arrived so late in the Thirty's term (§ 4).

<sup>10</sup> Sauppe, *Philologus*, XV, 69; Gilbert, *Antiq.* p. 322; Boeckh, *Staats-haush.* I, p. 319. Martin (*Les Cavaliers Athéniens*, p. 335 ff.) holds (*cf.* Harp. s.v.) that the *κατάστασις* was regularly refunded to the State at the end of the cavalryman's service; so Gilbert, *Antiq.* p. 322.

<sup>11</sup> The phylarch was the officer who commanded the cavalry contingent of a tribe; the two hipparchs commanded the whole body from the ten tribes.

<sup>12</sup> The *σύνδικοι* (§ 7) were a board originating in the many lawsuits that followed the illegal acts of the Thirty. Their existence may be traced from

398 to 387 B.C. (M. and S. p. 124; *cf.* xix. 32). They had jurisdiction, *ἡγεμονία* (that is, they prepared the business and presided over the court), in all cases in which property held by a citizen was claimed by the State, or in which a citizen claimed property which had been confiscated by the State.

<sup>13</sup> Called *σανδῖον* in xxvi. 10 (quoted in the note on § 6); and explained in Hesych. s.v. *σανδίς* by *λεύκωμα*, a word which occurs in [Lys.] ix. 6. These words were applied to all sorts of bulletin boards, which were either painted white or covered with gypsum.

proved his point, and hence that there is no legal hindrance to his becoming a Senator, he devotes the rest of his speech to a statement of the reasons why he deserves the honour.

He gives an account of his entire life, showing that he has been a good brother (§ 10), and a good citizen, especially in war (§§ 11–17). Towards the end we find reason to think that, in support of the main charge, it had been alleged that he was aristocratic (§§ 18, 19) as well as forth-putting (§§ 20, 21). He had evidently given some ground for the former suspicion by his outward appearance and bearing, but he calls upon the court to judge him by what he has done, not by what he has seemed to be. As for the latter, he admits that he may have exceeded the golden mean, but urges that it was with an honorable ambition.

Of Mantitheus himself we know only what he tells us. We should not have even his name except for the Greek title of the speech. He must have been at least thirty years old, since no younger man could enter the Senate,<sup>14</sup> and he was probably not much older (§§ 11 and 20). Of his family we have only the same source of information.<sup>15</sup> It had been prominent in the state (§ 20), but we are not told in what measures. Probably, however, it was of the oligarchical party. This might account for the father's connexion with a foreign prince (§ 4), and for the secondary charge against Mantitheus himself of aristocratic leanings. Blass thinks<sup>16</sup> that the disaster to his father (§ 10) means his fall at Aegos Potami. But had he fallen there, the son would not be silent about such a proof of the loyalty of the family. It is certainly suspicious that we hear not a word more of this father, and perhaps the coupling of his *συμφορά* with the state's is an artful concealment of some punishment inflicted on him by the people,<sup>17</sup> as a result of which

<sup>14</sup> Schömann, *Gr. Alt.*<sup>8</sup>, I, p. 380; Gilbert, *Antiq.* p. 265.

<sup>15</sup> It has been supposed, with probability, that the Mantitheus, son of Mantias, of the deme Thoricus, mentioned by Dem. xxxix. 27 ff., was grandson of our speaker. The grandfather of the Demosthenic Mantitheus

bore the same name. Thoricus belonged to the tribe Acamantis, and to this tribe belonged also the deme Cerameis, probably that of the phylarch Orthobulus in § 13 (Köhler, *Hermes*, V, 10 f.; *CIA*. II, 19).

<sup>16</sup> *Att. Bereds.* I, p. 517.

<sup>17</sup> So Frohberger, p. 4, note 33.

Mantitheus was obliged to address the Assembly in his own behalf at an early age (§ 20).

In this oration Lysias has given us a striking proof of his power of suiting the speech to the speaker, and this has always been reckoned among his finest works. We can almost see the bright, ambitious young Athenian, eager to distinguish himself, and ready to defend his good name against all comers.

The speech could not have been delivered before 394 B.C., because in it (§ 15) the events of that year are mentioned, nor after 389, because in the spring of that year Thrasybulus died.<sup>18</sup> The sportive tone and lack of bitterness in the reference to him (*ibid.*) show that he was still alive. Perhaps he was present, and Frohberger suggests that there may have been some sparring between him and Mantitheus at a recent meeting of the Assembly.

<sup>18</sup> Clinton, *F. H.*; Frohberger, *Philologus*, XVII, 437 ff. On the exact date of the speech, see Blass, *Att.*

Bereds. I, p. 518 (who sets it at 392), Fuhr p. 118, Frohberger p. 6 (who set it in the preceding year).

## ΕΝ ΒΟΤΛΗΙ

ΜΑΝΤΙΘΕΩΙ ΔΟΚΙΜΑΖΟΜΕΝΩΙ  
ΑΠΟΛΟΓΙΑ.

1 Εἰ μὴ συνήδη, ὡς βουλή, τοῖς κατηγόροις βουλομένοις ἐκ παντὸς τρόπου κακῶς ἐμὲ ποιεῦν, πολλὴν ἀν αὐτοῖς χάριν εἶχον ταύτης τῆς κατηγορίας· ἥγοῦμαι γὰρ τοῖς ἀδίκως διαβεβλημένοις τούτους εἶναι μεγίστων ἀγαθῶν δαιτίους, οἵτινες ἀν αὐτοὺς ἀναγκάζωσιν εἰς ἔλεγχον τῶν 2 αὐτοῖς βεβιωμένων καταστῆναι. ἔγω γὰρ οὕτω σφόδρα ἐμαυτῷ πιστεύω, ὅστ’ ἐλπίζω καὶ εἴ τις πρός με τυγχάνει ἀηδῶς διακείμενος, ἐπειδὴν ἐμοῦ λέγοντος ἀκούση περὶ τῶν πεπραγμένων, μεταμελήσειν αὐτῷ καὶ πολὺ βελτίω <sup>νηπ.</sup> 3 με εἰς τὸν λοιπὸν χρόνον ἥγήσεσθαι. ἀξιῶ δέ, ὡς βουλή, ἐὰν μὲν τοῦτο μόνον ὑμῖν ἐπιδείξω, ὡς εὔνους εἰμὶ τοῖς καθεστηκόσι πράγμασι καὶ ὡς ἡνάγκασμα τῶν αὐτῶν

1. χάριν εἶχον: *gratiam habem* rem; for a similar paradoxical opening, cf. xxiv. 1, and the advice of Dionysius (below, p. 161), and of Cicero, *Inv.* 1. 25, *sin res dabit, non inutile est ab aliqua re nova aut ridicula* (cf. Lys. vii. 1) *incipere.* — τούτους οἵτινες: the antecedent is not really definite (H. 699 a), *such persons as.* Hence ἀν ἀναγκάζωσιν. G. 1431, 1; H. 914, B. — εἰς ἔλεγχον... καταστῆναι: *to submit to an investigation of their behaviour in the past.* Cf. xxxii. 12. — βεβιωμένων: a somewhat rare use of

the partic. as subst.; see Kr. *Spr.* 52, 3, 5, and cf. Dem. xviii. 265, ἔξετασον τοινυν παρ’ ἀλληλα τὰ σοι κάμοι βεβιωμένα.

2. ἐμαυτῷ: naïvely said and characteristic of Mantitheus. Generally and more modestly the cause, not the man, is mentioned. — μεταμελήσειν: *indir. disc., after a verb of expecting.* See on *ποιήσειν*, xii. 9. G. 1286; H. 948 a.

3. ἀξιῶ: *think fit, require.* — τοῖς καθεστηκόσι πράγμασι: *the existing order of things, i.e. the present constitution,* referring to the restored

κινδύνων μετέχειν ὑμῖν, μηδέν πώ μοι πλέον εἶναι· ἐὰν δὲ φαίνωμαι καὶ περὶ τὰ ἄλλα μετρίως βεβιωκώς καὶ πολὺ<sup>15</sup> παρὰ τὴν δόξαν καὶ παρὰ τοὺς λόγους τοὺς τῶν ἔχθρῶν, δέομαι ὑμῶν ἐμὲ μὲν δοκιμάζειν, τούτους δὲ ἡγεῖσθαι χείρους εἶναι. πρῶτον δὲ ἀποδείξω ὡς οὐχ ἵππευον ἐπὶ τῶν τριάκοντα οὐδὲ μετέσχον τῆς τότε πολιτείας.

4 Ἡμᾶς γὰρ ὁ πατὴρ πρὸ τῆς ἐν Ἑλλησπόντῳ σύμφορᾶς<sup>20</sup> ὡς Σάτυρον τὸν ἐν τῷ Πόντῳ διαιτησομένους ἔξεπεμψε, καὶ οὕτε τῶν τειχῶν καθαιρουμένων ἐπεδημοῦμεν οὕτε μεθισταμένης τῆς πολιτείας, ἀλλ’ ἥλθομεν πρὶν τοὺς ἀπὸ Φυλῆς εἰς τὸν Πειραιᾶ κατελθεῖν πρότερον πένθ’ ἡμέραις.

democracy, a common use of *πράγματα*. — μηδέν πώ μοι κτλ.: that I shall gain nothing whatever by it. Here *πλέον* is elliptical, no more (than I should without this). See Kr. Spr. 48, 3, 7; cf. Antiphon v. 95, *τι ἔσται πλέον τῷ γε ἀποθανόντι; what good will it do the dead man?* — εἶναι: the object phrase with ἀξιῶ conveys also the idea of futurity and hence is the apodosis of ἐὰν ἐπιδεῖξω. GMT. 445. — καὶ περὶ τὰ ἄλλα: in everything else too, i.e. in all the duties of civic and private life. — μετρίως βεβιωκώς: ‘a well regulated life,’ far higher praise to the Greek mind, however, than the English words express. It means the avoidance of all extremes and the possession of the virtue of σωφροσύνη. Cf. the Delphic μηδὲν ἄγαν. — δόξαν: ‘what people think.’ The slander of his enemies had done its work. — ἐμὲ δοκιμάζειν: to pass me on this examination, cf. xxxi. 34. — χείρους: knaves, the Greek, with his finer feeling for contrasts, using a comparative where we do not; cf.

xxxii. 1. So below, βελτίων, § 17; see Kühn. Gr. § 542, note 7.

4. Σάτυρον: he reigned from about 407 B.C. over the kingdom of the Cimmerian Bosporus, called also Pontus, which included the Tauric Chersonese (Crimea), and the neighbouring cities on the coast; see Gilbert, Gr. Staatsalt. II, p. 188. The capital, Panticeum, was one of the chief corn-marts of Athens. — τῶν τειχῶν καθαιρουμένων: for the facts, see xii. 70. — μεθισταμένης κτλ.: when the constitution was in course of alteration, sc. to the government of the Thirty. Cf. xii. 74 ff. — ἥλθομεν: came back. Cf. xii. 54, and for ἥκω in this sense, xii. 16. Note the difference in the tenses of ἥλθομεν and ἐπεδημοῦμεν (for the augment, see on xii. 71). — τοὺς ἀπὸ Φυλῆς: cf. xii. 52. The title ‘men of Phyle’ was regularly applied to the patriots after their success, as in Dem. xxiv. 134, τῶν ἐκ Πειραιῶν καὶ ἀπὸ Φυλῆς οὗτος ἦν. Cf. ‘he was at Lexington and Bunker Hill.’ — πρότερον πένθ’ ἡμέραις: πρότερον modifies

5 καίτοι οὕτε ἡμᾶς εἰκὸς ἦν εἰς τοιοῦτον καιρὸν ἀφιγμένους  
 25 ἐπιθυμεῖν μετέχειν τῶν ἀλλοτρίων κινδύνων, οὕτ' ἐκεῖνοι  
 φαίνονται τοιαύτην γνώμην ἔχοντες ὥστε καὶ τοῦς ἀποδη-  
 μοῦσι καὶ μηδὲν ἔξαμαρτάνουσι μεταδιδόναι τῆς πολι-  
 τείας, ἀλλὰ μᾶλλον ἡτίμαζον καὶ τὸν συγκαταλύσαντας  
 6 τὸν δῆμον. ἐπειτα δὲ ἐκ μὲν τοῦ σανιδίου τὸν ἵππεύ-  
 30 σαντας σκοπεῖν εὐηθές ἐστιν· ἐν τούτῳ γάρ πολλοὶ μὲν  
 τῶν ὄμοιογούντων ἵππεύειν οὐκ ἔνεισιν, ἔνιοι δὲ τῶν ἀπο-  
 δημούντων ἔγγεγραμμένοι εἰσίν. ἐκεῖνος δ' ἐστὶν ἔλεγ-  
 χος μέγιστος· ἐπειδὴ γάρ κατήλθετε, ἐψηφίσασθε τὸν  
 φυλάρχους ἀπενεγκεῖν τὸν ἵππεύσαντας, ἵνα τὰς κατα-  
 7 στάσεις ἀναπράττητε παρ' αὐτῶν. ἐμὲ τοίνυν οὐδεὶς ἀν  
 ἀποδείξειν οὕτ' ἀπενεχθέντα ὑπὸ τῶν φυλάρχων οὕτε

ἢ λθομεν on which the clause with *πρίν* depends. GMT. 658. For emphasis the date is given last, and *only five days before it*, otherwise ‘πρότερον would as usual precede *πρίν*. On the dat., see G. 1184; H. 781.

5. **καιρόν:** *crisis*.—**ἔχοντες:** partic. in indir. disc. (G. 1588; H. 981), representing the impf. (G. 1289; H. 856 a), cf. xxiv. 8, *λαμβάνων*, and below, § 6, *ἀποδημούντων*.—**ἄλλα ... τὸν δῆμον:** ‘No! their habit was to disenfranchise even their accomplices.’ Said with reference to the fate of Theramenes (cf. XII. 64 and 78) and others.

6. **σανιδίου:** ‘muster roll,’ see p. 75, note 13. — **εὐηθες:** see on XII. 87. — **ἱππεύειν:** impf. in time. G. 1285; H. 853 a. Cf. XII. 26. — **ἀποδημούντων:** not like *ὄμοιογούντων* in time; see on *ἔχοντες*, § 5. — **ἔγγεγραμμένοι εἰσίν:** a technical term. Cf. XXVI. 10, ὡς *ἱππευκότος* αὐτοῦ ἐπὶ τῶν *τριάκοντα*

τοῦνομα ἐν ταῖς σανίσιν ἐνεγέγραπτο and Ar. Eq. 1369, ὀπλίτης ἐντεθεὶς ἐν καταλόγῳ ἔγγεγράφεται. — **ἐκεῖνος:** ‘and now comes,’ the dem. calling attention to something new. H. 695 a. On the gender assimilated to that of the predicate, see H. 632 a, and cf. XII. 37. This is rare with *ἐκεῖνος*. — **κατήλθετε:** a technical word signifying a return from exile; see on XII. 97. We should use the plpf. G. 1281.—**τοὺς φυλάρχους ἀπενεγκεῖν:** the phylarchs (see p. 75, note 11) were to make a return, either directly to the people or through the *σύνδικοι*, of all who had served.—**καταστάσεις:** see p. 75, note 10. — **ἀναπράττητε:** *exact*, ‘get back.’ On the mood after a secondary tense, see G. 1369; H. 881 a. Cf. XII. 7 and 12, XXXI. 30. In such cases the practice of Lysias is about equally divided between the subjv. and opt. GMT. 320<sup>1</sup>. See App.

παραδοθέντα τοῖς συνδίκοις. καίτοι πᾶσι ῥάδιον τοῦτο γνῶναι, διὰ ἀναγκαῖον ἦν τοῖς φυλάρχοις, εἰ μὴ ἀποδείξειαν τοὺς ἔχοντας τὰς καταστάσεις, αὐτοῖς ζημιούσθαι.  
 40 ὥστε πολὺ ἀν δικαιότερον ἐκείνοις τοῖς γράμμασιν ἡ τούτους πιστεύοιτε· ἐκ μὲν γὰρ τούτων ῥάδιον ἦν ἔξαλειφθῆναι τῷ βουλομένῳ, ἐν ἐκείνοις δὲ τοὺς ἵππεύσαντας ἀναγ-  
 45 καῖον ἦν ὑπὸ τῶν φυλάρχων ἀπεινεχθῆναι. ἔτι δέ, ὡς βουλή, εἴπερ ἵππευσα, οὐκ ἀν ἡ ἔξαρνος ὡς δεινόν τι  
 πεποιηκώς, ἀλλ' ἡξίουν, ἀποδείξας ὡς οὐδεὶς ὑπ' ἐμοῦ τῶν πολιτῶν κακῶς πέπονθε, δοκιμάζεσθαι. ὁρῶ δὲ καὶ ὑμᾶς ταύτη τῇ γνώμῃ χρωμένους καὶ πολλοὺς μὲν τῶν τότε ἵππευσάντων βουλεύοντας, πολλοὺς δ' αὐτῶν στρατηγοὺς καὶ ἵππάρχους κεχειροτονημένους. ὥστε μηδὲν δι' ἄλλο  
 50 με ἡγεῖσθε ταύτην ποιεῖσθαι τὴν ἀπολογίαν ἡ ὅτι περιφανῶς ἐτόλμησάν μου καταφεύσασθαι. ἀνάβηθι δέ μοι καὶ μαρτύρησον.

## ΜΑΡΤΥΡΙΑ.

9 Περὶ μὲν τοίνυν ταύτης τῆς αἰτίας οὐκ οἶδ' ὃ τι δεῖ πλείω λέγειν· δοκεῖ δέ μοι, ὡς βουλή, ἐν μὲν τοῖς ἄλλοις

7. *συνδίκοις*: see p. 75, note 12. — *τοῦτο*: here refers forward. G. 1005; H. 696 a. — *ἐκείνοις*: the phylarch's lists, not yet produced in evidence and therefore more remote, while *τούτοις* means *τὴς σανδίων*, which had already been presented by the accusers. G. 1004; H. 695. — *ῥάδιον* *ἥν*: the list was perhaps posted or kept in a public place. Thus the *κατάλογος* (in which the Thirty kept making changes, Arist. *Resp. Ath.* 36. 2) was in the Senate house when Critias wiped out first Theramenes's name and then the man himself. See Xen.

*Hellen.* ii. 3. 51, ἐγὼ οὖν, ἔφη, Θηραμένην τούτον ἔξαλειφω ἐκ τοῦ καταλόγου. — *ἀναγκαῖον* *ἥν*: with acc. and inf. here, but with dat. and inf. above. See App.

8. *ἡξίουν*: *ἄν* is understood from above. G. 1314, cf. XII. 47, XXIV. II. — *βουλεύοντας*: = *βουλευτὰς θντας*. On the law here violated, see p. 74, note 3. — *ἵππάρχους*: see p. 75, note 11. — *κεχειροτονημένους*: military officers were chosen by a show of hands, not by the lot. — *μαρτύρησον*: sc. to the facts in §§ 4-8.

9. This section serves as a transition and introduction to the main

55 ἀγῶσι περὶ αὐτῶν μόνων τῶν κατηγορημένων προσήκειν ἀπολογεῖσθαι, ἐν δὲ ταῖς δοκιμασίαις δίκαιου εἶναι παντὸς τοῦ βίου λόγον διδόναι. δέομαι οὖν ὑμῶν μετ' εὐνοίας ἀκροάσασθαι μου. ποιήσομαι δὲ τὴν ἀπολογίαν ως ἄν δύνωμαι διὰ βραχυτάτων.

10 Ἐγὼ γὰρ πρῶτον μὲν οὐσίας μοι οὐ πολλῆς καταλειφθείσης διὰ τὰς συμφορὰς καὶ τὰς τοῦ πατρὸς καὶ τὰς τῆς πόλεως, δύο μὲν ἀδελφὰς ἔξεδωκα, ἐπιδοὺς τριάκοντα μνᾶς ἑκατέρᾳ, πρὸς τὸν ἀδελφὸν δ' οὗτως ἐνειμάμην ὥστ' ἐκεῖνον πλέον δόμολογεῖν ἔχειν ἐμοῦ τῶν πατρώων, καὶ 65 πρὸς τοὺς ἄλλους ἅπαντας οὗτως βεβίωκα ὥστε μηδεπώ 11 ποτέ μοι μηδὲ πρὸς ἓνα μηδὲν ἔγκλημα γενέσθαι. καὶ τὰ μὲν ἵδια οὗτως διώκηκα· περὶ δὲ τῶν κοινῶν μοι μέγιστον ἡγοῦμαι τεκμήριον εἶναι τῆς ἐμῆς ἐπιεικείας, ὅτι τῶν νεωτέρων ὅσοι περὶ κύβους ἢ πότους ἢ τὰς τοιαύτας

part of the speech in which, having already disproved the charge, the speaker proceeds to show that he is a deserving person. Hence the request *δέομαι οὖν κτλ.*, often found at the beginning of an oration, esp. in Demosthenes. — *ώς ἀν δύνωμαι*: on the mood, see G. 1484; H. 916. — On the general nature of the *δοκιμασία*, see Introd. § 8.

10. *πρῶτον μέν*: first the speaker shows his unselfish behaviour towards his relations and others, summing up with *τὰ μὲν ... διώκηκα*. — *τὰς τοῦ πατρός*: see p. 76. — *ἔξεδωκα*, *ἐπιδούς*: technical words, cf. xxxii. 8. Of the bride herself, *ἐπιφέρεσθαι* was used, cf. xix. 14, *τὴν ἐμὴν μητέρα ἔλαβεν* (*he married*) *οὐδὲν ἐπιφερομένην* (*without a dowry*). When a girl's father died, her brother be-

came her *κύριος*, and was obliged by law to maintain her and to provide a dowry on her marriage. Here, therefore, the speaker is making a virtue of necessity.—*τριάκοντα μνᾶς*: about \$540 (but see p. 206), an average dowry for one in moderate circumstances; cf. xxxii. 8, and Boeckh, *Staatsh.* I, p. 598. — *ἐνειμάμην*: cf. xxxii. 4. Daughters had no right of inheritance if a man left sons. — *πρὸς τοὺς κτλ.*: *in my relations with*. See on xii. 23.—*μηδεπώποτε... γενέσθαι*: *there has never been any ground of complaint at all against me on the part of a single solitary man*: Cf. xxxii. 2, and see App.—*μηδὲ πρὸς ἑνα*: ne unum quidem, more emphatic than *πρὸς μηδένα*. See on xxxi. 30.

11. *ἐπιεικείας*: see on *μετρίως*, § 3. — *κύβους*: these, like the Roman

70 ἀκολασίας τυγχάνουσι τὰς διατριβὰς ποιούμενοι, πάντας  
αὐτοὺς ὄψεσθέ μοι διαφόρους ὅντας, καὶ πλεῖστα τούτους  
περὶ ἐμοῦ λογοποιοῦντας καὶ ψευδομένους. καίτοι δῆλον  
ὅτι, εἰ τῶν αὐτῶν ἐπεθυμοῦμεν, οὐκ ἀν τοιαύτην γνώμην  
12 εἶχον περὶ ἐμοῦ. ἔτι δ', ὡς βουλή, οὐδεὶς ἀν ἀποδεῖξαι  
75 περὶ ἐμοῦ δύναιτο οὔτε δίκην αἰσχρὰν οὔτε γραφὴν οὔτε  
εἰσαγγελίαν γεγενημένην· καίτοι ἑτέρους ὄρατε πολλάκις  
εἰς τοιούτους ἀγῶνας καθεστηκότας. πρὸς τοίνυν τὰς  
στρατείας καὶ τοὺς κινδύνους τοὺς πρὸς τοὺς πολεμίους  
13 σκέψασθε οἷον ἐμαυτὸν παρέχω τῇ πόλει. πρῶτον μὲν  
80 γάρ, ὅτε τὴν συμμαχίαν ἐποιήσασθε πρὸς Βοιωτοὺς καὶ  
εἰς Ἀλίαρτον ἔδει βοηθεῖν, ὑπὸ Ὁρθοβούλου κατειλεγ-  
μένος ἵππεύειν, ἐπειδὴ πάντας ἔώρων τοῖς μὲν ἵππεύοντιν

tesserae and our dice, had six sides, numbered from one to six, and three or two dice were used in the game.—**τὰς διατριβὰς ποιούμενοι:** with *περὶ* and acc., the only occurrence in Lysias of this common expression (Lutz, *Präpositionen*, p. 139). Cf. *διατριβειν*, xxiv. 20. — **λογοποιοῦντας**: ‘cooking up stories,’ see on xxii. 14 and cf. Theophr. *Char.* 8, ἡ δὲ λογοποιία ἔστι σύνθεσις ψευδῶν λόγων καὶ πράξεων ὡν βούλεται ὁ λογοποιῶν. — [εἰ ... ἐπεθυμοῦμεν: if we had the same tastes]. For the augment, see on *ἔξεκλησιάσετε*, xii. 73.

12. **δίκην**: in its special meaning of *private suit*, Introd. § 36. — **αἰσχράν**: e.g. if he had been accused of not portioning his sisters. — **εἰσαγγελίαν**: *impeachment*, see Introd. n. 167. — **πολλάκις**: emphatic, as is shown by its separation from *καθεστηκότας*. — **τοίνυν**: *besides*, cf. vii. 18.

13. **πρῶτον μὲν**: followed up by *μετὰ ταῦτα τοίνυν* in § 15. — **τὴν συμμαχίαν**: the alliance, still existing (hence the article), was effected in the autumn of 395 b.c., by Thrasybulus of Stiria and his namesake of Collytus. For a fragment of the treaty, still extant, see Hicks, *Greek Hist. Inscr.* p. 122 = CIA. II, 6. — **Ἀλίαρτον**: in Boeotia on Lake Copais. During the Corinthian war, in 395 b.c., an expedition was sent thither from Athens to help the Thebans against the Spartans. The latter were beaten and Lysander was killed before the Athenians arrived. Xen. *Hellen.* iii. 5. 17 ff. — **Ὤρθοβούλου**: phylarch of the speaker’s tribe. The *κατάλογος* (cf. xxxii. 5), prepared by officers called *καταλογεῖς* (Arist. *Resp. Ath.* 49, 2), was brought before the Senate by the phylarchs and hipparchs for the *δοκιμαστα*. — **δεῖν**: depends on *νομίζοντας*. —

ἀσφάλειαν εἶναι δεῖν νομίζοντας, τοῖς δ' ὄπλίταις κίνδυνον  
ἡγουμένους, ἔτερων ἀναβάντων ἐπὶ τοὺς ἵππους ἀδοκιμά-  
85 στων παρὰ τὸν νόμον, ἐγὼ προσελθὼν ἔφην τῷ Ὁρθο-  
βούλῳ ἔξαλεῦφαί με ἐκ τοῦ καταλόγου, ἡγούμενος αἰσχρὸν  
εἶναι τοῦ πλήθους μέλλοντος κινδυνεύειν ἀδειαν ἐμαντῷ  
παρασκευάσαντα στρατεύεσθαι. καί μοι ἀνάβηθι, Ὁρθό-  
βουλε.

## ΜΑΡΤΥΡΙΑ.

14 Συλλεγέντων τοίνυν τῶν δημοτῶν πρὸ τῆς ἔξόδου, εἰδὼς  
αὐτῶν ἐνίους πολίτας μὲν χρηστοὺς ὄντας καὶ προθύμους,  
ἐφοδίων δὲ ἀποροῦντας, εἴπον ὅτι χρὴ τοὺς ἔχοντας παρέ-  
χειν τὰ ἐπιτήδεια τοῖς ἀπόρως διακειμένοις. καὶ οὐ μόνον  
τοῦτο συνεβούλευον τοῖς ἄλλοις, ἀλλὰ καὶ αὐτὸς ἔδωκα  
95 δυοῖν ἀνδροῖν τριάκοντα δραχμὰς ἑκατέρῳ, οὐχ ὡς πολλὰ  
κεκτημένος, ἀλλ' ἵνα παράδειγμα τοῦτο τοῖς ἄλλοις γένη-  
ται. καί μοι ἀνάβητε.

## ΜΑΡΤΥΡΕΣ.

15 Μετὰ ταῦτα τοίνυν, ὁ βουλή, εἰς Κόρινθον ἔξόδου γενο-

τοῖς ὄπλίταις κίνδυνον: sc. probably because Sparta's strength lay in her heavy infantry.—**ἡγουμένους**: nearly equivalent to *νομίζοντας*. Lysias was fond of synonymous words or phrases at the ends of contrasted clauses; cf. VII. 26; XII. 7, 48; XXIV. 18; XXXI. 17.—**ἔφην** := *ἔκελενον* (cf. § 16) used thus in prose only here and in Xen. *Cyr.* iv. 6. 11, ἂ oἱ μάγοι ἔφασαν τοῖς θεοῖς ἔξελεῖν. See App.—**κινδυνεύειν**: on the tense, see G. 1254; H. 846.

14. **συλλεγέντων**: the Athenian was a citizen soldier enlisted and serving by tribe and deme. Cf. Isaeus, II. 42,

*ἐστράτευμα* ἐν τῇ φυλῇ τῇ ἐκείνου καὶ  
ἐν τῷ δῆμῳ. — **ἐφοδίων**: *travelling expenses, funds, viaticum.* The hoplites generally received two obols a day for pay (*μισθός*) and two for ration money (*σιτηρέσιον*), Boeckh, *Staatsh.* I, 340; but the rich often helped poor members of their demes with money for equipments. See on XXXI. 15. — **τοὺς ἔχοντας**: *the rich*, cf. XXXII, 9. — **γένηται**: on the mood, cf. *ἀναπράτητε*, § 6, and on the tense, see G. 1272; H. 851.

15. **εἰς Κόρινθον**: i.e. the Corinthian war, 394 B.C., in which 6000 Athe-

μένης καὶ πάντων προειδότων ὅτι δεήσει κινδυνεύειν,  
 100 ἔτερων ἀναδυομένων ἐγὼ διεπραξάμην ὥστε τῆς πρώτης  
 τεταγμένος μάχεσθαι τοῖς πολεμίοις· καὶ μάλιστα τῆς  
 ἡμετέρας φυλῆς δυστυχησάσης καὶ πλείστων ἐναποθα-  
 νόντων, ὕστερος ἀνεχώρησα τοῦ σεμνοῦ Στειριῶς τοῦ  
 16 πᾶσιν ἀνθρώποις δειλίαν ὠνειδικότος. καὶ οὐ πολλαῖς  
 105 ἡμέραις ὕστερον μετὰ ταῦτα ἐν Κορίνθῳ χωρίων ἵσχυρῶν  
 κατειλημμένων, ὥστε τοὺς πολεμίους μὴ δύνασθαι παριέ-  
 ναι, Ἀγησιλάου δ' εἰς τὴν Βοιωτίαν ἐμβαλόντος ψηφισα-  
 μένων τῶν ἀρχόντων ἀποκληρώσαι τάξεις αἵτινες βοηθή-  
 σουσι, — φοβουμένων ἀπάντων (εἰκότως, ὡς Βουλή· δεινὸν  
 110 γὰρ ἦν ἀγαπητῶς ὀλίγῳ πρότερον σεσωμένους ἐφ' ἔτερον

nians took part under Thrasybulus. Sparta won a victory at Nemea where the Athenian loss was heavy. Cf. Xen. *Hellen.* iv. 2. 9-23. — ὥστε μά-  
 χεσθαι: on the mood, see G. 1450; H. 953. The same verb takes the obj. inf. in xiii. 72, τὰ μέντοι δύνατα  
 διαπράττονται ... προσγραφῆναι εἰς τὴν στήλην. — τῆς πρώτης: sc. τάξεως, which here means rank, but cf. § 16. On the gen., see G. 1095, 1096; H. 732 a. — δυστυχησάσης: his tribe was therefore one of the six posted opposite to the Spartans, cf. Xen. *Hellen.* iv. 2. 19-22.—ἐναποθανόντων: the ἐν- refers to δυστυχησάσης, and means ἐν τῇ δυστυχῇ. Cf. Thuc. ii. 52. 3, τὰ τε ιερὰ ἐν οἷς ἐσκήνωντο νεκρῶν πλεὰ ἦν, αὐτοῦ ἐναποθνησκόντων (sc. ἐν τοῖς ιεροῖς), and Xen. *Hellen.* iii. 1. 4, quoted on p. 74. — τοῦ σεμνοῦ Στειριῶς: (See App.) Thrasybulus of the deme Stiria, the leader of the men of Phyle, is meant. On σεμνός, properly reverend, majestic, augustus,

but here used sarcastically, cf. Ar. *Ran.* 178, ὡς σεμνὸς ὁ κατάρατος, how airy the knave is! Thrasybulus's overbearing manner won him the epithets αὐθάδης and ὑπερόπτης τοῦ δήμου, schol. Ar. *Eccl.* 203. — πᾶσιν ἀνθρώποις: without the article, the whole world, everybody. Cf. vii. 13; xii. 60; xxiv. 20; xxxi. 11; xxxii. 19. Mantitheus himself was evidently smarting.

16. κατειλημμένων: sc. by the Athenians and allies, to prevent the Spartans from joining Agesilaus who was returning from Asia by way of Phocis. — ὥστε ... παριέναι: denotes purpose. G. 1452; H. 953 a. — ἐμβαλόντος: gives the reason for the action of the generals. G. 1563, 2; H. 953 a. — τάξεις: the body of infantry furnished by each tribe was called a τάξις. — αἵτι-  
 νες βοηθήσουσι: denoting purpose, cf. xxiv. 6. G. 1442; H. 911. — ἀγα-  
 πητῶς: lit. gladly, as in Dem. xix. 219, τὴν εἰρήνην ἐποιήσασθ' ἀγαπητῶς.

κίνδυνον *ἰέναι*) προσελθὼν ἐγὼ τὸν ταξίαρχον ἐκέλευνον  
 17 ἀκληρωτὶ τὴν ἡμετέραν τάξιν πέμπειν. ὥστ' εἴ τινες  
 ὑμῶν ὀργίζονται τοῖς τὰ μὲν τῆς πόλεως ἀξιοῦσι πράτ-  
 τειν, ἐκ δὲ τῶν κινδύνων ἀποδιδράσκουσιν, οὐκ ἀν δικαίως  
 115 περὶ ἐμοῦ τὴν γνώμην ταύτην ἔχοιεν· οὐ γὰρ μόνον τὰ  
 προστατόμενα ἐποίουν προθύμως, ἀλλὰ καὶ κινδυνεύειν  
 ἐτόλμων. καὶ ταῦτ' ἐποίουν οὐχ ὡς οὐ δεινὸν ἥγούμενος  
 εἶναι Λακεδαιμονίοις μάχεσθαι, ἀλλ' ἵνα, εἴ ποτε ἀδίκως  
 εἰς κίνδυνον καθισταίμην, διὰ ταῦτα βελτίων ὑφ' ὑμῶν  
 120 νομιζόμενος ἀπάντων τῶν δικαίων τυγχάνοιμι. καί μοι  
 ἀνάβητε τούτων μάρτυρες.

## ΜΑΡΤΥΡΕΣ.

18 Τῶν τοίνυν ἄλλων στρατειῶν καὶ φρουρῶν οὐδεμιᾶς  
 ἀπελείφθην πώποτε, ἀλλὰ πάντα τὸν χρόνον διατετέλεκα  
 μετὰ τῶν πρώτων μὲν τὰς ἔξόδους ποιούμενος, μετὰ τῶν  
 125 τελευταίων δὲ ἀναχωρῶν. καίτοι χρὴ τὸν φιλοτίμως καὶ  
 κοσμίως πολιτευομένους ἐκ τῶν τοιούτων σκοπεῖν, ἀλλ'  
 οὐκ εἴ τις κομῷ, διὰ τοῦτο μισεῖν· τὰ μὲν γὰρ τοιαῦτα

Hence, with the implication *too glad*, = *μδις, barely, hardly*. See on *ἀγαπήσειν*, XII. II.

17. *ἀποδιδράσκουσι*: this word, regularly implying something disgraceful, is applied to deserters, runaway slaves, etc.; cf. Plat. *Crit.* 53 D, *ὡς γελοῖς ἐκ τοῦ δεσμωτηρίου ἀπεδιδράσκες* (*what a funny time you had when you cleared out of the prison*) ... *διφθέραν* (*goatskin*) λαβὼν ἦ ἀλλα οὐα δὴ ειώθασιν ἐνσκευάσεσθαι οἱ ἀποδιδράσκοντες ('runaways').—*ἄν ἔχοιεν*: on the potential opt. after an indic. in prot. (G. 1421, 1; H. 901 b), cf. XXII. 18.—*ἵνα ... τυγχάνοιμι*: a naïve

confession of the speaker's practical reason for patriotism.

18. *ἀπελείφθην*: *missed*. The preceding gen. is of separation. G. 1117; H. 748. — *πώποτε*, *πάντα τὸν χρόνον*: these words with the two verbs to which they belong are strongly contrasted by the chiastic order. — *ποιούμενος*: supplementary partic. with *διατετέλεκα*. G. 1580; H. 981. — *κοσμίως*: for the meaning, see on VII. 41. — *σκοπεῖν*: this verb, in the sense of 'form a judgment about,' is frequently used with *ἐκ* and the gen.; cf. § 19; VII. 13, 34. — *κομῷ*: *wears his hair long*, as Mantitheus appar-

ἐπιτηδεύματα οὗτε τοὺς ἴδιάτας οὗτε τὸ κοινὸν τῆς πόλεως  
βλάπτει, ἐκ δὲ τῶν κινδυνεύειν ἐθελόντων πρὸς τὸν πολε-  
19 μίους ἄπαντες ὑμεῖς ὠφελεῖσθε. ὥστε οὐκ ἄξιον ἀπ’  
ὄψεως, ὡς βουλή, οὗτε φιλεῖν οὗτε μισεῖν οὐδένα, ἀλλ’ ἐκ  
τῶν ἔργων σκοπεῖν· πολλοὶ μὲν γὰρ μικρὸν διαλεγόμενοι  
καὶ κοσμίως ἀμπεχόμενοι μεγάλων κακῶν αἴτιοι γεγόνα-  
σιν, ἔτεροι δὲ τῶν τοιούτων ἀμελοῦντες πολλὰ κάγαθὰ  
135 ὑμᾶς εἰσιν ἐργασμένοι.

20 Ἡδη δέ τινων ἡσθόμην, ὡς βουλή, καὶ διὰ ταῦτα ἀχθο-  
μένων μοι, ὅτι νεώτερος ὡν ἐπεχείρησα λέγειν ἐν τῷ  
δήμῳ. ἐγὼ δὲ τὸ μὲν πρῶτον ἡναγκάσθην ὑπὲρ τῶν ἐμαυ-  
τοῦ πραγμάτων δημηγορῆσαι, ἐπειτα μέντοι καὶ ἐμαυτῷ  
140 δοκῶ φιλοτιμότερον διατεθῆναι τοῦ δέοντος, ἅμα μὲν τῶν  
προγόνων ἐνθυμούμενος ὅτι οὐδὲν πέπαυνται τὰ τῆς

ently did. After the Persian wars it was the fashion for Athenian boys on reaching the age of eighteen to cut off their hair and dedicate it to their patron divinities, afterwards wearing it short. But the knights and ultra-fashionable young men of Mantitheus's time wore it long, a Spartan fashion; hence those who followed it were suspected of being aristocrats and 'Laconizers.' — *ἐκ τῶν ἐθελόντων*: the agent viewed as the *source*, hence not with ὑπό. G. 1209 c; H. 798 c. See App.

19. *ἀπ’ ὄψεως*: *for his looks*, said with reference to *κομῆ*. Causal, see G. 1205 c; H. 794 c. — *μικρὸν διαλέγομενοι*: *though their tones are low*. The principle of moderation (see on § 3) was observed by Athenian gentlemen in voice, gait (*πρόστης πορεία*, Plut. *Peric.* 5) and general bearing. According to Theophrastus, *Char.* 4,

*μεγάλη τῇ φωνῇ λαλεῖν* was a mark of *ἀγροικία*. Cf. Dem. xxxvii. 52, Νικό-  
βουλος δὲ ἐπίφθονός ἐστι καὶ ταχέως  
βαδίζει καὶ μέγα φθέγγεται. — *κοσμίως ἀμπεχόμενοι*: *their mantles set decently*, a point on which much stress was laid. It looks as though Mantitheus had adopted a somewhat *dégradé* style:

20. *ἡδη*: *before now*. — *καὶ*: *besides* the above reasons. — *τινῶν*: for the gen., see G. 1102; H. 742. — *ἀχθομένων*: supplementary partic. G. 1582; H. 982. — *νεώτερος*: at the age of eighteen every Athenian had full civic rights and could therefore speak in the assembly, but modesty should still restrain him; see the incident of Glaucon in Xen. *Mem.* iii. 6. — *πραγμάτων*: possibly in connexion with the *συμφοραὶ τοῦ πατρός*, § 10. — *καὶ*: emphasizes *ἐμαυτῷ*. — *διατεθῆναι*: of the inward disposition.

21 πόλεως πράττοντες, ἅμα δὲ ὑμᾶς ὁρῶν (τὰ γὰρ ἀληθῆ χρὴ λέγειν) τοὺς τοιούτους μόνους ἀξίους τινὸς νομίζοντας εἶναι· ὥστε ὁρῶν ὑμᾶς ταύτην τὴν γνώμην ἔχοντας τίς 145 οὐκ ἀν ἐπαρθείη πράττειν καὶ λέγειν ὑπὲρ τῆς πόλεως; ἔτι δὲ τί ἀν τοῖς τοιούτοις ἀχθοισθε; οὐ γὰρ ἔτεροι περὶ αὐτῶν κριταί εἰσιν, ἀλλ' ὑμεῖς.

21. **τοὺς τοιούτους**: *i.e.* those who take part in public affairs. The Athenians little esteemed persons who neglected public duties. Cf. the words of Pericles, Thuc. ii. 40. 2, *τὸν τε μηδὲν τῶνδε (politics) μετέχοντα οὐκ ἀπράγμονα ἀλλ' ἀχρεῖν νομίζομεν*, and Introd. § 6, end. — **ἀξίους τινός**: deserving of any esteem at all. For

this pregnant sense of *τις* see App. and H. 703 a, Kr. *Spr.* 51. 16. 13. — **κριταί**: the general term for persons with whom any decision rests; **δικασταί** could apply only to a legal issue. — **ἀλλ' ὑμεῖς**: this abrupt close is a good example of Lysias's power of suiting the speech to the speaker.

## AGAINST THE GRAIN-DEALERS.

### INTRODUCTION.

THE Athenian corn-laws were not the result of any theory of political economy, and had nothing to do with the question of free trade or protection.<sup>1</sup> They sprang from the need of assuring a sufficient supply of food to a State which was unable to provide that food from its own soil. Attica was not a good agricultural country.<sup>2</sup> The olive<sup>3</sup> and fig alone yielded profitable returns. Barley<sup>4</sup> was the only really flourishing cereal; but the wheat crop was altogether inadequate to supply the demand. The population,<sup>5</sup> numbering about half a million souls, was beyond all due proportion to the area of but little over 700 square miles (about half the area of Rhode Island, less than one-tenth of that of Massachusetts). Naturally, therefore, recourse was had abroad<sup>6</sup> for food-stuffs, and Egypt, Sicily, Rhodes, Cyprus, and above all the fertile districts on the Pontus<sup>7</sup> supplied the wants of Attica. Cargoes were constantly coming from these quarters; and besides the supplies provided by the ordinary course of commerce, it was a favourite practice with foreign rulers to win the good-will of the Athenian commons by presents of grain.<sup>8</sup>

The Athenians had a whole series of laws intended to prevent a scarcity of grain. Solon is said to have forbidden the export of any agricultural product except olive oil.<sup>9</sup> While the export of grain

<sup>1</sup> On this general topic, see Büchsen-schütz, *Besitz und Erwerb*, p. 541; Boeckh, *Staatsh.* I, p. 65 ff.

In this introduction I have closely followed Frohberger.

<sup>2</sup> Thuc. i. 2. 5 calls Attica *λεπτόγεως*, and Plutarch, *Solon*, 22, says τὰ πλεῖστα τῆς χώρας ἀγεννῆ καὶ φαῦλα.

<sup>3</sup> See Introd. to viii.

<sup>4</sup> Theophr. *H. P.* viii. 8. 2.

<sup>5</sup> Boeckh, *ibid.* p. 42.

<sup>6</sup> Dem. xviii. 87.

<sup>7</sup> Dem. xx. 31 f.

<sup>8</sup> Dem. xx. 33.

<sup>9</sup> Plut. *Solon*, 24; cf. Boeckh, *ibid.* p. 67.

grown in Attica was absolutely prohibited,<sup>10</sup> its importation was encouraged, and even enforced so far as the power of the law could avail. Athenian citizens and metics were forbidden, under the severest penalties, to ship grain elsewhere than to Attica,<sup>11</sup> or to lend money on bottomry<sup>12</sup> to grain-merchants unless the cargo thus mortgaged was actually to be brought thither.<sup>13</sup> The Piraeus was the central warehouse (εμπόριον) for the eastern part of the Mediterranean, and a law required that two-thirds of the cargo of every grain-ship which put in there must be carried to the city.<sup>14</sup> One of the chief duties of the Athenian navy in time of war was to keep open the communications with the Pontus so as to ensure the safe delivery of grain.<sup>15</sup> The Assembly, also, at one of its regular meetings in each prytany, considered the state of the grain supply.<sup>16</sup> But the laws went even further into particulars. In order to prevent speculation and the artificial raising of the price of corn, retail dealers (σιτοπâλαι) were forbidden, on penalty of death, to buy more than fifty baskets (φορμοί<sup>17</sup>) at a time.<sup>18</sup>

<sup>10</sup> Ulpian on Dem. *Tim.* p. 822 (§ 136).

<sup>11</sup> [Dem.] xxxiv. 37; xxxv. 50.

Lycurg. 27.

<sup>12</sup> See on xxxii. 6.

<sup>13</sup> [Dem.] xxxv. 50 f.

<sup>14</sup> Arist. *Resp. Ath.* 51. 4; Boeckh, *ibid.* p. 104; M. and S. p. 99; Gilbert, *Antiq.* p. 260. But for schemes of corn merchants to avoid this port, if grain was low here, cf. [Dem.] lvi. 8.

<sup>15</sup> Dem. xviii. 87, 241, 301; l. 17; Xen. *Hellen.* v. 4. 61.

<sup>16</sup> Arist. *Resp. Ath.* 43. 4; cf. Xen. *Mem.* iii. 6. 13.

<sup>17</sup> A sort of wicker basket, perhaps holding about a medimnus (= 52.5 liters or a bushel and a half). See Boeckh, *ibid.* p. 104.

<sup>18</sup> § 5 f. It was formerly believed, on the basis of § 8 where the Ms. has

δεῖν γὰρ αὐτὸς δύολῳ μόνον πωλεῖν τιμώτερον, that there was also a law forbidding dealers to sell at a profit of more than one obol on the medimnus. But such a law would have been next to impossible to enforce, and § 12 (*τῆς αὐτῆς ημέρας ἐπώλουν δραχμῇ τιμώτερον*) shows that no such law *was* enforced; nay, the speaker there does not even hint that the dealers were doing anything really *unlawful* in making a profit of a drachma. Hence Graux's insertion of κάνειν in § 8 has been generally accepted (see App. and Boeckh, *ibid.* p. 104). Yet, as Blass (*Att. Bereds.* I, p. 471) remarks, δεῖν is hardly consistent with the emendation. It seems probable to me that with Kocks we should reject the whole clause δεῖν . . . τιμώτερον as a marginal gloss. Wilam-

The enforcement of these regulations was in the hands of a special board of magistrates, elected by lot, and called *σιτοφύλακες*.<sup>19</sup> Of these officials Aristotle (*Resp. Ath.* 51. 3) says :

ἥσαν δὲ καὶ σιτοφύλακες κληρωτοί, πέντε μὲν εἰς Πειραιά, πέντε δ' εἰς ἄστυ, νῦν δ' ἐκοσι<sup>20</sup> μὲν εἰς ἄστυ, πεντεκαΐδεκα δ' εἰς Πειραιά. οὗτοι δ' ἐπιμελοῦνται, πρῶτον μὲν ὅπως ὁ ἐγορᾶ σῆτος ἀργὸς ὕνιος ἔσται δικαίως, ἐπειθ' ὅπως οἱ τε μυλωθροὶ πρὸς τὰς τιμὰς τῶν κριθῶν τὰ ἄλφιτα πωλήσοντιν καὶ οἱ ἀρτοπῶλαι πρὸς τὰς τιμὰς τῶν πυρῶν τοὺς ἄρτους, καὶ τὸν σταθμὸν ἀγοντας ὅσον ἀν οὗτοι τάξωσιν· ὁ γὰρ νόμος τούτους κελεύει τάπτειν.

From this passage and from our speech<sup>21</sup> it would seem that there were ten of these officials in the time of Lysias. It was their duty to see that the unground (*ἀργός*) grain was offered at a fair price, that the millers sold barley meal at a price proportionate to that of barley, and that the bakers sold bread at a price proportionate to that of wheat and made loaves of a weight fixed by the *σιτοφύλακες*. They had also to keep a record of all importations of grain.<sup>22</sup> Their duties, then, were of a prohibitory and restrictive sort, while the *σιτῶναι*, a committee appointed only on special occasions by a decree of the people, had the task of purchasing grain on an order from the State in time of war or scarcity, and of seeing that it was sold at a price fixed by law.<sup>23</sup>

But speculation, whether in Athens or elsewhere, has never been prevented by legislation. The grain trade was the favourite business<sup>24</sup> of the great wholesale merchants (*εμπόροι*), while the retail dealers (*σιτοπῶλαι*<sup>25</sup>), standing between the merchants and the con-

mowitz, *Aristoteles und Athen*, II, p. 377, thinks that the words were part of the advice given to the dealers by Anytus, and that they contain merely a suggestion of his, not a law.

<sup>19</sup> § 16. See Gilbert, *Antiq.* p. 260.

<sup>20</sup> The reading is doubtful in the Ms., possibly *ιε'* (= *πεντεκαΐδεκα*). For the old view of the number of these officers, see Boeckh, *ibid.* p. 105.

<sup>21</sup> § 8.

<sup>22</sup> Dem. xx. 32.

<sup>23</sup> Bске, *Schol. Hypomnem.* III, 257. The *ἀγορανόμοι* (§ 16, Arist. *Resp. Ath.* 51. 1) had general charge of the market and saw that the wares sold there were pure and unadulterated.

<sup>24</sup> Xen. *Oec.* xx. 27 f.

<sup>25</sup> Metics as a rule (cf. § 5, Dem. xxxiv. 37) like most of the *κάπηλοι* (in itself rather a contemptuous term, cf. below, § 21, and Hermann, *Privatalt.* p. 420).

sumers, were not slow to scheme against both. For instance, by an understanding with the merchants, they might evade the laws against the purchase of grain in bulk; or on the other hand, by combining with each other to prevent competition they could depress the price fixed by the merchants, and then, having bought in at a low figure, they would busy themselves in spreading some piece of bad news of a political sort which gave them an excuse for raising the price on retail sales. Such intrigues are described in the following speech of Lysias and in the oration against Dionysodorus falsely attributed to Demosthenes.<sup>26</sup> The *σιτοφύλακες* were often unable to control these illegalities, and were punished for their inaction or for their connivance with grain ‘rings’.<sup>27</sup> As for the dealers, the popular feeling against them (which sometimes broke out in riots<sup>28</sup>) made them an easy prey to ‘sycophants’; and yet this very fact often protected them in wrong-doing, for any person who accused a grain-dealer laid himself open to the suspicion of ‘sycophancy’.<sup>29</sup>

Since to break the corn-laws was to commit a crime against the State, the proper method of procedure against the criminal was by an *εἰσαγγελία* or denunciation laid before the Prytanes, who brought it before the Senate.<sup>30</sup> An investigation (*κρίσις*, § 3) followed, to see whether a true bill could be found, and whether the Senate should settle the matter itself or refer it to a regular heliastic court.<sup>31</sup> If it came before a court, the Thesmothetae presided,<sup>32</sup> and the suit was *ἀτίμωτος*, the penalty being death.<sup>33</sup>

The following speech was delivered before such a court by a senator who accuses a company<sup>34</sup> of *σιτοπώλαι* of illegal speculation. The Senate had been so exasperated when the case was first laid before it that some suggested that the accused should be executed without a trial; our senator by his moderation prevented such

<sup>26</sup> LVI. 7 ff.

<sup>27</sup> §§ 8, 16, 21; Dem. xxiv. 136.

<sup>28</sup> Philostratus, *Vit. Sophist.* i. 23. 1, p. 225.      <sup>29</sup> § 1.

<sup>30</sup> § 2 f.; M. and S. pp. 69, 312, 319.

<sup>31</sup> § 2; [Dem.] XLVII. 41 ff.; M. and S. p. 323.

<sup>32</sup> Poll. viii. 87; Arist. *Resp. Ath.* 59. 2.

<sup>33</sup> §§ 5, 13, 19.      <sup>34</sup> See on § 5.

hasty action, and the case took its regular course. But the senator, having stood for the regular forms of law, now found it necessary to make a stand for his own reputation, and was obliged to attack the ‘ring’ lest he should be thought the tool of it.<sup>35</sup> The dealers confessed their action, but attempted to shift the blame upon the *σιτοφύλακες*.<sup>36</sup> The speaker shows that such a defence, if allowed, merely includes these magistrates among the guilty.<sup>37</sup> He next overthrows the pretext that the dealers had broken the law with a good purpose,— to supply the consumer with grain at the cheapest possible rate.<sup>38</sup> In conclusion, he holds that their confession makes it necessary to condemn them, and that they have no claim to mercy.<sup>39</sup> The short epilogue combines an appeal to justice with a personal argument likely to have influence with the judges.<sup>40</sup>

This is the crisp, business-like speech of an earnest man who is merely engaged in doing his duty to the country and himself without having any personal grudge against the accused. It is well arranged and logical, and confined closely to the matter in hand. It is short, because there really could be no doubt about the facts; and it is almost bare of any rhetorical figures, for these would have been entirely out of place in such an address. On the date of its delivery nothing can be said with certainty. We must set it later than the beginning of the Corinthian war (394 b.c.), unless we are to suppose that the story that Spartans had seized Athenian grain-ships<sup>41</sup> was a stock ‘scare’ good at any time. It has been thought, but it cannot be proved, that *σπονδάς* in the same passage refers to the peace of Antalcidas (387 b.c.).<sup>42</sup>

<sup>35</sup> §§ 2–4.

<sup>36</sup> § 5.

<sup>38</sup> §§ 11–16.

<sup>40</sup> § 22.

<sup>42</sup> This peace is called *σπονδαῖ* in

<sup>37</sup> §§ 6–10.

<sup>39</sup> §§ 17–21.

<sup>41</sup> § 14.

Xen. *Hellen.* v. 1. 33, and just before the date of it the grain-ships in the Pontus had been stopped by Antalcidas (Xen. *ibid.* 28); hence perhaps the dearness mentioned in § 8.

## ΚΑΤΑ ΤΩΝ ΣΙΤΟΠΩΛΩΝ.

- 1** Πολλοί μοι προσεληλύθασιν, ὡς ἄνδρες δικασταί, θαυμάζοντες ὅτι ἔγω τῶν σιτοπωλῶν ἐν τῇ βουλῇ κατηγόρουν καὶ λέγοντες ὅτι ὑμεῖς, εἰς ὡς μάλιστα αὐτοὺς ἀδικεῖν ἥγεισθε, οὐδὲν ἥπτον καὶ τοὺς περὶ τούτων ποιουμένους 5 τοὺς λόγους συκοφαντεῖν νομίζετε. ὅθεν οὖν ἡνάγκασμα κατηγορεῖν αὐτῶν, περὶ τούτων πρῶτον εἰπεῖν βούλομαι.
- 2** Ἐπειδὴ γὰρ οἱ πρυτάνεις ἀπέδοσαν εἰς τὴν βουλὴν περὶ αὐτῶν, οὕτως ὡργίσθησαν αὐτοῖς, ὥστε ἔλεγόν τινες τῶν ῥήτόρων ὡς ἀκρίτους αὐτοὺς χρὴ τοῖς ἔνδεκα παρα-  
10 δοῦνα θανάτῳ ζημιώσαι. ἥγούμενος δὲ ἔγω δεινὸν εἶναι τοιαῦτα ἐθύμεσθαι ποιεῖν τὴν βουλὴν, ἀναστὰς εἶπον ὅτι

**1. θαυμάζοντες:** sc. because he had at first (§ 2) seemed to side with the dealers. Hence ἔγω, emphatic. For ὅτι instead of the usual εἰ after θαυμάζω, see G. 1424, and on vii. 7. — εἰ ὡς μάλιστα κτλ.: ‘no matter how guilty.’ Cf. § 10 and Plat. *Euthyphro*, 4 D, εἰ δι μάλιστα ἀπέκτεινεν, and see H. 651. — **καὶ τοὺς:** even those, see p. 92. — **ποιουμένους τοὺς λόγους:** see on xii. 2. — **συκοφαντεῖν:** see on vii. 38.

**2. οἱ πρυτάνεις:** see Gow, p. 116; Hermann, *Staatsalt.*, p. 488; Gilbert, *Antiq.* p. 271. The *εἰσαγγελία* would be laid first before them as executive committee of the Senate. — **ἀπέδοσαν κτλ.:** the technical

phrase, cf. *referre ad senatum*. — **ῷργίσθησαν:** sc. οἱ βουλευταὶ from βουλὴν. See on αὐτῶν, xii. 37. — **τῶν ῥήτόρων:** not necessarily professional orators, but often merely persons in the habit of speaking publicly. See on xxxi. 27, and cf. Plat. *Ap.* 32 B, ἐτοιμων δυτῶν ἔνδεικνύναι με καὶ ἀπάγειν τῶν ῥήτόρων. — **ἀκρίτους:** on the illegality, see on xii. 17. — **τοῖς ἔνδεκα:** they had charge of the prisons and of executions. See Gilbert, *Antiq.* p. 256. — **θανάτῳ ζημιώσαι:** the infin. of purpose. GMT. 772 a. Cf. xiii. 68, καὶ καταγγόντες αὐτοῦ θάνατον ἀποτυμπανίσαι παρέδοτε, Dinarch. II. 20, παραδοῦναι τοὺς ἐπὶ τοῦτο τεταγμένους θανάτῳ ζημιώσαι. —

μοι δοκοίη κρίνειν τοὺς σιτοπώλας κατὰ τὸν νόμον, νομίζων, εἰ μέν εἰσιν ἄξια θανάτου εἰργασμένοι, ὅμας οὐδὲν ἥττον ἡμῶν γνώσεσθαι τὰ δίκαια, εἰ δὲ μηδὲν ἀδικοῦσιν,  
 3 οὐ δὲν αὐτοὺς ἀκρίτους ἀπολωλέναι. πεισθείσης δὲ τῆς βουλῆς ταῦτα, διαβάλλειν ἐπεχείρουν με λέγοντες ὡς ἔγω σωτηρίας ἔνεκα τῆς τῶν σιτοπωλῶν τοὺς λόγους τούτους ἐποιούμην. πρὸς μὲν οὖν τὴν βουλήν, ὅτ’ ἦν αὐτοῖς ἡ κρίσις, ἔργῳ ἀπελογησάμην· τῶν γὰρ ἄλλων ἡσυχίαν  
 20 ἀγόντων ἀναστὰς αὐτῶν κατηγόρουν, καὶ πᾶσι φανερὸν ἐποίησα ὅτι οὐχ ὑπὲρ τούτων ἔλεγον, ἀλλὰ τοῖς νόμοις  
 4 τοῖς κειμένοις ἐβοήθουν. ἡρξάμην μὲν οὖν τούτων ἔνεκα, δεδιώς τὰς αἰτίας· αἰσχρὸν δ’ ἡγοῦμαι πρότερον παύσασθαι, πρὶν ἀν ὑμεῖς περὶ αὐτῶν ὅ τι ἀν βούλησθε ψηφίσησθε.

5 Καὶ πρῶτον μὲν ἀνάβητε. εἰπὲ σὺ ἔμοι, μέτοικος εἰ; Ναί. Μετοικεῦς δὲ πότερον ὡς πεισόμενος τοῦς νόμοις τοῖς τῆς πόλεως, ἢ ὡς ποιήσων ὅ τι ἀν βούλη; Ὡς πει-

κατὰ τὸν νόμον: i.e. before a regular court after the *κρίσις* (§ 3).

3. ἐποιούμην: *had made*. This and the following impfs. *ἔλεγον* and *ἐβοήθουν* could not be changed to the present opt. without danger of obscurity in the sense. G. 1488; H. 935 b. — πρὸς: not *against*, as in xii. 38, but in a local sense, *before*, *to*. Cf. xiii. 49, *θαυμάζω ... δι τι ποτὲ τολμήσει πρὸς ὅμας ἀπολογεῖσθαι*. — ἡ *κρίσις*: the hearing before the Senate (cf. § 11), held to see whether that body could settle the case itself and mete out the appropriate penalty, or should send it on to a court. It corresponds therefore to the *ἀνάκρισις* (see Introd. § 47). — ἄλλων: i.e. the *ρήτορες* of § 2.

— κειμένους: for the meaning, see on XXXII. 23.

4. ἡρξάμην: sc. in the Senate. — τὰς αἰτίας: *their charges*, referring to διαβάλλειν, § 3. — πρὶν ἀν ... ψηφίσησθε: the leading clause has a negative force, hence the subjv. GMT. 647. So *αἰσχρόν* in Plat. *Prot.* 352 D, *αἰσχρόν ἐστι καὶ ἐμοὶ σοφίαν καὶ ἐπιστήμην μὴ οὐχὶ* (on account of the preceding negative idea) *πάντων κράτιστον φάναι εἶναι*.

5. On the *ἔρώτησις*, see Introd. § 48, and cf. xii. 25. — ἀνάβητε: plural as addressed to the whole ring. Cf. *ψεύδονται*, § 7; *οὐτοι*, § 8; *συνιστασθαι*, § 17; *τούτων*, § 22. See App. — σύ: addressed to the leader. —

σόμενος. <sup>7</sup>Αλλο τι οὖν ἀξιοῖς ἀποθανεῖν, εἴ τι πεποίηκας  
30 παρὰ τοὺς νόμους, ἐφ' οἷς θάνατος ἡ ζημία; <sup>8</sup>Εγωγέ.  
<sup>9</sup>Απόκριναι δή μοι, εἴ δικαιογεῖς πλείω σῆτον συμπρίασθαι  
πεντήκοντα φορμῶν, ὃν ὁ νόμος ἔξειναι κελεύει; <sup>10</sup>Εγὼ  
τῶν ἀρχόντων κελεύοντων συνεπριάμην.

6 <sup>11</sup>Αν μὲν τοίνυν ἀποδείξῃ, ω̄ ἄνδρες δικασταί, ὡς ἔστι  
35 νόμος ὃς κελεύει τοὺς σιτοπώλας συνωνεῖσθαι τὸν σῆτον,  
ἄν οἱ ἀρχοντες κελεύωσιν, ἀποφηφίσασθε <sup>12</sup>εἰ δὲ μή,  
δίκαιον ὑμᾶς καταψηφίσασθαι. <sup>13</sup>ἡμεῖς γὰρ ὑμῖν παρεσχό-  
μεθα τὸν νόμον, ὃς ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει  
πλείω σῆτον πεντήκοντα φορμῶν συνωνεῖσθαι.

47 <sup>14</sup>Χρῆν μὲν τοίνυν, ω̄ ἄνδρες δικασταί, ίκανὴν εἶναι ταύ-  
την τὴν κατηγορίαν, ἐπειδὴ οὗτος μὲν ὅμολογεῖ συμπρί-  
ασθαι, <sup>15</sup>ό δὲ νόμος ἀπαγορεύων φαίνεται, ὑμεῖς δὲ κατὰ  
τοὺς νόμους ὀμωμόκατε ψηφιεῖσθαι. <sup>16</sup>Ομως δ' ἵνα πεισθῆτε  
ὅτι καὶ κατὰ τῶν ἀρχόντων ψεύδονται, ἀνάγκη καὶ μακρό-  
8 τερον εἰπεῖν περὶ αὐτῶν. ἐπειδὴ γὰρ οὗτοι τὴν αἰτίαν εἰς  
ἐκείνους ἀνέφερον, παρακαλέσαντες τοὺς ἀρχοντας ἡρω-  
τῶμεν. καὶ οἱ μὲν τέτταρες οὐδὲν ἔφασαν εἰδέναι τοῦ

ἄλλο τι: on the phrase, without *ἢ*, see App. and G. 1604; H. 1015 b. —

ἐφ' οἷς: for which, the relative re-ferring κατὰ σύνεσιν to *τι*, which has, as often, a collective force (= *τι τοιούτων*). Cf. III. 48, εἰ τι πάθοιμι ὅν Σικελιανοὶ βούλεται, and see H. 633, 609, 615; Kr. Spr. 58, 4, 5. But Lutz, Präd. p. 110, refers *οἷς* (denoting the ground) to *νόμους*. — συμπρί-  
ασθαι: brought up; cf. Arist. Pol. i. 11. 11, ἐν Σικελίᾳ δέ τις . . . συνεπρίατο πάντα τὸν σιδηρὸν ἐκ τῶν σιδηρειῶν. — ἐγὼ τῶν ἀρχόντων κτλ.: Eratosthenes similarly dodges a direct answer in

xii. 25. The ἀρχοντες are here the σιτοφύλακες.

6. παρεσχόμεθα: the law was put in with the other papers accompanying the γραφή, or written indictment.

7. ὀμωμόκατε: sc. in the dicasts' oath. Cf. Aeschin. III. 6, δ νομοθέτης τούτῳ πρώτων ἔταξεν ἐν τῷ τῶν δικαστῶν ὄρκῷ. Ψηφιοῦμαι κατὰ τοὺς νόμους. — καὶ μακρότερον: see App.

8. εἰς . . . ἀνέφερον: see on xii. 81. — ἡρωτῶμεν: sc. at the κρίσις, § 3. — οἱ τέτταρες: for the article, see on xxxii. 21. — οὐδὲν εἰδέναι τοῦ πράγματος: the same phrase occurs in

πράγματος, <sup>τὸν</sup> Ἀνυτός δ' ἔλεγεν ὡς τοῦ προτέρου χειμῶνος,  
 ἐπειδὴ τίμιος ἦν ὁ σῖτος, τούτων ὑπερβαλλόντων ἀλλή-  
 50 λους καὶ πρὸς σφᾶς αὐτοὺς μαχομένων, συμβουλεύσειν  
 αὐτοῖς παύσασθαι φιλονεικοῦσιν, ἥγούμενος συμφέρειν  
 ὑμῖν τοῖς παρὰ τούτων ὀνομένοις ὡς ἀξιώτατον τούτους  
 πρίασθαι<sup>τὸν</sup> δεῖν γὰρ αὐτοὺς κανὸν ὀβολῷ μόνον πωλεῖν  
 9 τιμιώτερον. ὡς τοίνυν οὐ συμπριαμένους καταθέσθαι  
 55 ἐκέλευεν αὐτούς, ἀλλὰ μὴ ἀλλήλοις ἀντωνεῖσθαι συνεβού-  
 λευεν, αὐτὸν ὑμῖν <sup>τὸν</sup> Ἀνυτον μάρτυρα παρέξομαι, καὶ ὡς  
 οὗτος μὲν ἐπὶ τῆς προτέρας βουλῆς τούτους εἶπε τοὺς  
 λόγους, οὗτοι δὲ τῆτες συνωνούμενοι φαίνονται.

XIII. 71, cf. I. 42.—**Ἀνυτός**: one of the *σιτοφύλακες* of the year before. There is no evidence that he was the Anytus who accused Socrates. — **ὑπερβαλλόντων**: *trying to outbid*. Cf. And. I. 134, ἐπει δ' οὐκ ἀντωνεῖτο οὐδέτις, παρελθὼν ἐγὼ εἰς τὴν βουλὴν ὑπερβαλλον. — **πρὸς σφᾶς αὐτοὺς** : = **πρὸς ἄλλήλους**. On this use of the reflexive for the reciprocal pronoun, here perhaps employed for variety, see G. 996, H. 686 b, and cf. XIV. 42, *παρανόμως καὶ πρὸς τοὺς ἄλλους πολιτευόμενοι καὶ πρὸς σφᾶς αὐτοὺς διακείμενοι*. — **φιλονεικοῦσιν**: on the case, cf. XIII. I. — **ὠνομένους** and **πρίασθαι**: observe the difference in tense. — **ἀξιώτατον**: the Attic idiomatic use of **ἄξιος** in the sense of *cheap*. Cf. § 22 and Ar. *Eg.* 645, οὐπώποτ' ἀφύας (*sprats*) εἰδον ἀξιωτέρας, Moeris, p. 56, *ἀξιωτέρας*, *Ἀττικῶς· εὐωνοτέρας*, *Ἐλληνικῶς*. — **κανὸν ὀβολῷ μόνον**: *if only by a single obol*, i.e. they must make some profit, however little. On the use of **καν** without a verb, see GMT. 228. But the whole sentence may be an interpolation. See App.

9. **καταθέσθαι**: *lay or hoard it away*, common in this sense. Cf. Xen. *Anab.* I. 3, 3, οὖς (sc. μυρίους δαρεικούς) ἐγὼ λαβὼν οὐκ εἰς τὸ ἵδυον κατεθέμην ἐμοι, and its use with that of **παρακαταθήκη** in XXXII. 16. The dealers distorted the advice of Anytus, which was not that they should buy up corn and store it away to sell high at a time of scant supply, but that they should stop running up the price (*ἀντωνεῖσθαι*, below, *ὑπερβαλλόντων*, § 8) in the wholesale market and thus be able to sell cheaper at retail, though still with profit to themselves. — **ἐπιτελεῖ**: of time, a new Senate being chosen annually. — **καὶ ὡς . . . φαίνονται**: see App. — **τῆτες**: cf. Harp. s.v. *τῆτες* ἀντὶ τοῦ τούτῳ τῷ ἔτει Λυσίας ἐν τῇ πρὸς Πυθόδημον ἀπολογίᾳ, εἰ γνήσιος, *Ἀριστοφάνης Γήρα καὶ οἱ ἄλλοι*. Used also in Ar. *Ach.* 15, *Vesp.* 400. On the form, from the pronominal stem *tja* (like *τήμερον*), see Smyth, *Greek Dialects*, I, § 369. — **συνωνούμενοι**: impf. in time; see on XVI. 5.

## ΜΑΡΤΥΡΙΑ.

10 Ὅτι μὲν τούμυν οὐχ ὑπὸ τῶν ἀρχόντων κελευσθέντες  
60 συνεπράλαντο τὸν σῖτον, ἀκηκόατε· ἥγοῦμαι δ', ἂν ὡς μά-  
λιστα περὶ τούτων ἀληθῆ λέγωσιν, οὐχ ὑπὲρ αὐτῶν αὐτοὺς  
ἀπολογήσεσθαι, ἀλλὰ τούτων κατηγορήσειν· περὶ γὰρ  
ῶν εἰσὶ νόμοι διαρρήδην γεγραμμένοι, πῶς οὐ χρὴ διδόναι  
δίκην καὶ τοὺς μὴ πειθομένους καὶ τοὺς κελεύοντας τού-  
65 τοις τάνατίᾳ πράττειν;

11 Ἀλλὰ γάρ, ὁ ἄνδρες δικασταί, οἴομαι αὐτοὺς ἐπὶ μὲν  
τούτῳ τῷ λόγῳ οὐκ ἐλεήσεσθαι· ἵσως δ' ἔροῦσιν, ὥσπερ  
καὶ ἐν τῇ βουλῇ, ὡς ἐπ' εὔνοιᾳ τῆς πόλεως συνεωνοῦντο  
τὸν σῖτον, ἵν' ὡς ἀξιώτατον ὑμῖν πωλοῖεν. μέγιστον δ'  
70 ὑμῖν ἔρω καὶ περιφανέστατον τεκμήριον ὅτι ψεύδονται.

12 ἔχρην γὰρ αὐτούς, εἴπερ ὑμῶν ἔνεκα ἐπραττον ταῦτα, φαί-  
νεσθαι τῆς αὐτῆς τιμῆς πολλὰς ἡμέρας πωλοῦντας, ἔως ὁ  
συνεωνημένος αὐτοὺς ἐπέλιπε· νῦν δ' ἐνίοτε. τῆς αὐτῆς  
ἡμέρας ἐπώλουν δράχμῃ τιμιώτερον, ὥσπερ κατὰ μέδι-  
τιμονον συνωνούμενοι. καὶ τούτων ὑμᾶς μάρτυρας παρέ-  
χομαι.

10. ἂν ὡς μάλιστα: see on § 1. —  
τούτων: sc. τῶν ἀρχόντων.

11. ἀλλὰ γάρ: see on xii. 99. —  
ἐπὶ μὲν τούτῳ ... ἐλεήσεσθαι: cf. Dem.  
LVII. 45, πολλὰ δουλικὰ πράγματα τοὺς  
Ἐλευθέρους ἡ πενία βιάζεται ποιέν, ἐφ'  
οἷς ἐλεέοιντ' ἄν, and for the fut. mid.  
as pass., see on XXXI. 26. See App.  
—ἐν τῇ βουλῇ: i.e. at the *κρίσις*,  
§ 3.

12. ἐπραττον: observe the tense,  
denoting repeated action, like that  
of πωλοῦντας. — ἔως αὐτοὺς ἐπέλιπε:  
until it had failed them, a secondary

tense of the indic. (GMT. 613, 2) on  
account of ἔχρην, for which see on  
xii. 32. — ὥσπερ κατὰ μέδιμνον: they  
had bought it in bulk, and hence  
could have afforded to sell it all  
at one price; but instead they often  
put up the price as if they had  
bought in small quantities and in a  
short market. On ὥσπερ with the  
partic., see App. to xii. 7. This dis-  
tributive use of κατά occurs here first  
in the orators. Lutz, *Präp.* p. 78. —  
ὑμᾶς μάρτυρας: see App. and on  
xii. 74.

13 Δεινὸν δέ μοι δοκεῖ εἶναι, εἰ ὅταν μὲν εἰσφορὰν εἰσενεγκεῖν δέη, ην πάντες εἰσεσθαι μέλλουσιν, οὐκ ἐθέλουσιν, ἀλλὰ πενίαν προφασίζονται, ἐφ' οἷς δὲ θάνατός ἔστιν ἡ ζημία καὶ λαθεῖν αὐτοῖς συνέφερε, ταῦτα ἐπ' εύνοιᾳ φασὶ τῇ ὑμετέρᾳ παρανομῆσαι. καίτοι πάντες ἐπίστασθε ὅτι τούτοις ἥκιστα προσήκει τοιούτους ποιεῖσθαι λόγους. τάναντία γὰρ αὐτοῖς καὶ τοῖς ἄλλοις συμφέρει! τότε γὰρ πλεῦστα κερδαίνουσιν, ὅταν κακοῦ τινος ἀπαγγελθέντος 14 τῇ πόλει τίμιον τὸν σῖτον πωλῶσιν. οὗτω δ' ἀσμενοι τὰς συμφορὰς τὰς ὑμετέρας ὄρωσιν, ὥστε τὰς μὲν πρότεροι τῶν ἄλλων πυνθάνονται, τὰς δ' αὐτοὶ λογοποιοῦσιν, ἢ τὰς ναῦς διεφθάρθαι τὰς ἐν τῷ Πόντῳ ἢ ὑπὸ Λακεδαιμονίων ἐκπλεούσας συνειλῆφθαι, ἢ τὰ ἐμπόρια κεκλῆσθαι, ἢ τὰς 15 σπονδὰς μέλλειν ἀπορρηθῆσεσθαι, καὶ εἰς τοῦτ' ἔχθρας ἐληλύθασιν, ὥστ' ἐν τοῖς αὐτοῖς καιροῖς ἐπιβουλεύουσιν ἡμῖν, ἐν οἴσπερ οἱ πολέμιοι. ὅταν γὰρ μάλιστα σίτου τυγχάνητε δεόμενοι, ἀναρπάζουσιν οὗτοι καὶ οὐκ ἐθέλουσι

13. *εἰσφοράν*: see on XII. 20. — *πάντες κτλ.*: hence this would be an excellent opportunity for showing patriotism (*εὔνοια*). — *οὐκ ἐθέλουσιν*: for the negative *οὐ*, not *μή*, see on XXXI. 31. — *λαθεῖν*: from our English idiom we should expect *ἀ* with this verb, but cf. § 21, and see on XXXII. 27. — *συνέφερε*: without *ἄντας*, see on XII. 32. — *τῇ ὑμετέρᾳ*: instead of the obj. gen. G. 999; H. 694. — *τάναντία γὰρ κτλ.*: hence they are bad citizens (cf. Dem. XVIII. 198, quoted on § 15), while conversely a good citizen's interests are those of his country. Cf. XXXI. 5.

14. *λογοποιοῦσιν*: the regular word used of a *canard*. See on XVI. 11, and

cf. And. I. 54, *ἀ ἔλογοποιούν οἱ ἔχθροι περὶ ἐμοῦ*, βουλόμενοι διαβάλλειν με, Dem. VI. 14, *λογοποιοῦσιν περιβύντες τινές*. — *τὰς ναῦς*: the grain-ships are meant. — *διεφθάρθαι*: cf. [Dem.] LVI. 34, *σωθεῖσης τε τῆς νεώς καὶ οὐ διεφθαρμένης*. — *κεκλῆσθαι*: blockaded, cf. Dem. II. 16, *κεκλεμένων τῶν ἐμπορίων τῶν ἐν τῇ χώρᾳ διὰ τὸν πόλεμον*. — *τὰς σπονδάς*: see p. 93.

15. *ἐν τοῖς αὐτοῖς καιροῖς*: cf. Dem. XVIII. 198, *ὅτῳ συνενηνόχασιν οἱ αὐτοὶ καιροὶ καὶ τοῖς τῆς πόλεως ἔχθροῖς*, οὐκ ἔνι τοῦτον εὖνον εἶναι τῇ πατρίδι. — *ἀναρπάζουσιν*: snap it up, a word often used of stealing or pillage, cf. Hom. Od. xv. 427, *ἄλλα μ' ἀνήρπαξαν (kidnapped) Τάφιοι, ληστορεῖς ἀνδρεῖς*,

πωλεῖν, ἵνα μὴ περὶ τῆς τιμῆς διαφερώμεθα, ἀλλ' ἀγαπῶ-  
95 μεν ἀν διοστούτινοσοῦν πριάμενοι παρ' αὐτῶν ἀπέλθωμεν·  
ώστ' ἐνίοτε εἰρήνης οὕσης ὑπὸ τούτων πολιορκούμεθα.  
16 οὔτω δὲ πάλαι περὶ τῆς τούτων πανουργίας καὶ κακονοίας  
ἡ πόλις ἔγνωκεν, ωστ' ἐπὶ μὲν τοῖς ἄλλοις ὡνίοις ἅπασι  
τοὺς ἀγορανόμους φύλακας κατεστήσατε, ἐπὶ δὲ ταύτῃ  
100 μόνη τῇ τέχνῃ χωρὶς σιτοφύλακας ἀποκληροῦτε· καὶ  
πολλάκις ἥδη παρ' ἐκείνων πολιτῶν ὅντων δίκην τὴν  
μεγίστην ἐλάβετε, ὅτι οὐχ οἷοί τ' ἦσαν τῆς τούτων πονη-  
ρίας ἐπικρατῆσαι· καίτοι τί χρὴ αὐτοὺς τοὺς ἀδικοῦντας  
ὑφ' ὑμῶν πάσχειν, ὅπότε καὶ τοὺς οὐ δυναμένους φυλάτ-  
105 τειν ἀποκτείνετε;

17 'Ενθυμεῖσθαι δὲ χρὴ ὅτι ἀδύνατον ὑμῖν ἐστιν ἀποψηφί-  
σασθαι. εἰ γὰρ ἀπογνώσεσθε ὁμολογούντων αὐτῶν ἐπὶ  
τοὺς ἐμπόρους συνίστασθαι, δόξεθ' ὑμεῖς ἐπιβουλεύειν  
τοῖς εἰσπλέουσιν. εἰ μὲν γὰρ ἄλλην τινὰ ἀπολογίαν

Xen. *Anab.* i. 3. 14, οἱ Κιλικες . . . ὡν  
πολλοὶς καὶ πολλὰ χρήματα ἔχομεν  
ἀνηρπακότες. — διαφερώμεθα: *bicker,*  
*haggle.* Cf. x. 7, ἔγώ δ' οἶμαι δεῖν  
ὑμᾶς . . . οὐ περὶ τῶν ὀνομάτων διαφέ-  
ρεσθαι, ἀλλὰ τῆς τούτων διανολας (*mean-  
ing*). — ἀγαπῶμεν: see on XII. II. —  
διοστούτινοσοῦν: see on XII. 84. —  
ἀπέλθωμεν: 'get off'; on the tense as  
compared with διαφερώμεθα, see App.  
to XVI. 6. — πολιορκούμεθα: 'we are  
kept in a state of siege.'

16. πάλαι ἔγνωκεν: *has long known,*  
this perfect being equivalent (G.  
1263; H. 849) to a present with  
πάλαι. G. 1258; H. 826. — ἀγορα-  
νόμους: on these officers see p. 91,  
note 23; on the *σιτοφύλακες* see p. 91.  
— τέχνη: a general term, including

our 'business' as well as 'trade' and  
'profession.' Thus Lysias uses it  
also of a fuller, xxiii. 7, a perfumer,  
*frag.* I. § 2 (quoted on xxiv. 20), a  
stonemason, *frag.* 69, and of the  
cripple's employment, xxiv. 4. It  
is used of a physician in Hdt. iii. 131.  
— χωρὶς: *by itself.* — πολλάκις ἐλά-  
βετε: for the tense, see on XII. 3. —  
ἥδη: *before now*, cf. § 18. — πολιτῶν  
ὅντων: in contrast with grain-dealers  
who were generally metics. A log-  
ically unjust though characteristic  
appeal to the sympathies of the  
court. — ἀποκτένετε: cf. ἀπέθηγκον,  
§ 21.

17. συνίστασθαι: often used of a  
political 'combine,' as in XXX. 10,  
Κλεοφῶν τὴν βουλὴν ἐλοιδόρει, φάσκων

110 ἐποιοῦντο, οὐδεὶς ἀν εἶχε τοῖς ἀποψηφισαμένοις ἐπιτιμᾶν.  
 ἐφ' ὑμῖν γὰρ ὅποτέροις βούλεσθε πιστεύειν· νῦν δὲ πῶς  
 οὐ δεινὰ ἀν δόξαιτε ποιεῖν, εἰ τοὺς ὁμολογοῦντας παρα-  
 18 νομεῖν ἀζημίους ἀφήσετε; ἀναμνήσθητε δέ, ὡς ἄνδρες  
 δικασταί, ὅτι πολλῶν ἥδη ἔχόντων ταύτην τὴν αἰτίαν,  
 115 ἀρνούμενων καὶ μάρτυρας παρεχομένων, θάνατον κατέ-  
 γνωτε, πιστοτέρους ἡγησάμενοι τοὺς τῶν κατηγόρων  
 λόγους. καίτοι πῶς ἀν οὐ θαυμαστὸν εἴη, εἰ περὶ τῶν  
 αὐτῶν ἀμαρτημάτων δικάζοντες μᾶλλον ἐπιθύμειτε παρὰ  
 19 τῶν ἀρνούμενων δίκην λαμβάνειν; καὶ μὲν δῆ, ὡς ἄνδρες  
 120 δικασταί, πᾶσιν ἡγοῦμαι φανερὸν εἶναι ὅτι οἱ περὶ τῶν  
 τοιούτων ἀγῶνες κοινότατοι τυγχάνουσιν ὅντες τοὺς ἐν τῇ  
 πόλει, ὥστε πεύσονται ἥντινα γνώμην περὶ αὐτῶν ἔχετε,  
 ἡγούμενοι, ἀν μὲν θάνατον τούτων καταγνῶτε, κοσμιωτέ-  
 125 ρους ἔσεσθαι τοὺς λοιπούς; ἀν δ' ἀζημίους ἀφῆτε, πολ-

*τηνεστάναι καὶ οὐ τὰ βέλτιστα βούλενεν τῇ πόλει, or, as here, of a 'corner,' cf. § 21.* The retail dealers must have stocked up and then refused to buy, except at their own price, from the importers. Such a 'ring' would keep grain-ships away from Athens. — *τοῖς εἰσπλέουσιν*: i.e. *τοῖς ἐμπόροις*, as in § 21. — *ἄλλην*: i.e. other than their admission that they bought up grain, but only at the suggestion of the magistrates. — *ὅποτέροις*: either party, plaintiff or defendant. — *ἀν δόξαιτε, ... εἰ ἀφήσετε*: on the mixed form of condition, see G. 1421, 2; H. 901.

18. *ἥδη*: see on § 16. — *ἔχόντων ... αἰτίαν*: charged with the same thing. Cf. xiii. 62, *οὐδεμίαν αἰτίαν αἰσχρὰν ἔσχον*, Xen. *Anab.* vii. 6. 11, *ἔγω νῦν ὑφ' ὑμῶν αἰτίας ἔχω*. — *ἐπιθυ-*

*μεῖτε*: for the mixed form of condition, see on xvi. 17, and cf. Ant. iii. γ. 9, πῶς ἀν πρέποντα πάσχοιμεν, εἰ ... θανάτῳ ξημούμεθα; Plat. *Apol.* 25 B, πολλὴ γὰρ ἀν τις εὐδαιμονίᾳ εἴη περὶ τοὺς νέους, εἰ εἰς μὲν μόνος αὐτὸν διαφθείρει. — *παρὰ τῶν ἀρνούμενων*: the antithesis ἡ παρὰ τῶν ὁμολογούντων is easily understood from the context. See App.

19. *κοινότατοι*: of the most general interest, cf. Isoct. v. 10, *νούσος οὐδέποτ'* ἀν εὐρεθῆναι καλλίω ταύτης ὑπόθεσιν (*idea*) οὐδὲ κοινοτέραν οὐδὲ μᾶλλον ἀπασνή μητὸν συμφέρουσαν. — *ὥστε πεύσονται κτλ.*: this is to be a test case; see on xii. 35. — *κοσμιωτέρους*: for the meaning, see on vii. 41, and with the whole sentence, cf. xxvii. 7, *ἐὰν δὲ καταψηφισάμενοι θανάτου τιμήσητε ... τοὺς ἄλλους κοσμιωτέρους ποιήσετε*. —

125 λὴν ἄδειαν αὐτοῖς ἐψηφισμένοι ἔσεσθε πολεῖν ὃ τι ἀν βού-  
 20 λωνται. χρὴ δέ, ὡς ἄνδρες δικασταί, μὴ μόνον τῶν παρε-  
 ληλυθότων ἔνεκα αὐτοὺς κολάζειν, ἀλλὰ καὶ παραδείγμα-  
 τος ἔνεκα τῶν μελλόντων ἔσεσθαι οὕτω γὰρ ἔσονται  
 μόγις ἀνεκτοί. ἐνθυμεῖσθε δὲ ὅτι ἐκ ταύτης τῆς τέχνης  
 130 πλεῖστοι περὶ τοῦ σώματός εἰσιν ἡγωνισμένοι. καὶ οὕτω  
 μεγάλα ἔξ αὐτῆς ὥφελοῦνται, ὥστε μᾶλλον αἴροῦνται καθ'  
 ἐκάστην ἡμέραν περὶ τῆς ψυχῆς κινδυνεύειν ἢ παύσασθαι  
 21 παρ' ὑμῶν ἀδίκως κερδαίνοντες. καὶ μὲν δὴ οὐδὲ ἀν ἀντι-  
 βολῶσιν ὑμᾶς καὶ ἰκετεύωσι, δικαίως ἀν αὐτοὺς ἐλεήσαιτε,  
 135 ἀλλὰ πολὺ μᾶλλον τῶν τε πολιτῶν οἱ διὰ τὴν τούτων

ἐψηφισμένοι ἔσεσθε: here the construction with ἡγούμενοι is abandoned. See on XII. 38. For the tense, see on XII. 100. — πολεῖν: with ἀδειαν, cf. XII. 85.

20. παραδείγματος: warning. See on XXXI. 30. — τῶν μελλόντων ἔσεσ-  
 θαι: the future. But see on XII. 99. — οὕτω: in the latter case, i.e., if you  
 punish them. — μόγις: only just, barely. Cf. Aesch. Prom. 131, πατράς  
 μόγις παρεποῦσα φένας, and so μόδις  
 in Thuc. VI. 23, μόδις οὕτως οὐδὲ τε  
 ἔσθμεθα τῶν μὲν κρατεῖν κτλ. — ἐκ ταύ-  
 της: the preposition denotes the cause; cf. III. 48, ἡναγκάσθην ἐκ τοι-  
 ούτων τῶν πραγμάτων εἰς τοιούτους  
 ἀγώνας καταστῆναι. — περὶ τοῦ σώμα-  
 τος: for their life. For this sense of  
 σῶμα, cf. I. 50, ἔγω γὰρ νῦν καὶ περὶ<sup>1</sup>  
 τοῦ σώματος καὶ περὶ τῶν χρημάτων καὶ  
 περὶ τῶν ἀλλων ἀπάντων κινδυνεύω, so  
 in XXIX. 11; used also of civil status,  
 cf. V. 1, VII. 26, XXIII. 12; and in the  
 literal meaning body, XXIV. 3. Below,  
 περὶ ψυχῆς is a mere synonym for  
 περὶ σώματος in the first sense, and so

the two are combined in Dinarch. I.  
 16, ἡ βουλὴ... κυρίᾳ δικάσται τε περὶ τοῦ  
 σώματος καὶ τῆς ψυχῆς ἐκάστου τῶν  
 πολιτῶν. For ψυχή meaning 'heart'  
 (metaphorically), cf. XXXII. 12, and  
 denoting the intellectual or spiritual  
 part as contrasted with σῶμα, XXIV. 3.  
 — ἐξ αὐτῆς: denoting the source; see  
 App. to XVI. 18. — κινδυνεύειν and  
 παύσασθαι: note the difference in  
 tense. See App.

21. ἀντιβολῶσιν καὶ ἰκετεύωσιν: see on XXXII. 11. He is thinking of such scenes as those described in XXVII. 12, καὶ νῦν τοις ποιήσουσιν ἀπερ  
 καὶ πρότερον ήσαν εἰθισμένοι καὶ δημόται  
 καὶ φίλοι, κλάοντες ἔξαιτεῖσθαι αὐτοὺς  
 παρ' ὑμῶν, and, in Plat. *Apol.* 34C,  
 ἀγῶνα ἀγωνιζόμενος ἐδεήθη τε καὶ ἰκέ-  
 τευσε τοὺς δικαστὰς μετὰ πολλῶν δα-  
 κρύων, παιδία τε αὐτοῦ ἀναβιβασάμενος,  
 ἵνα δτι μάλιστα ἐλεηθεῖη, καὶ ἄλλους  
 τῶν οἰκειῶν καὶ φίλων πολλοὺς. On the verb ἐλεέω which follows, see App.  
 to § 11. — τῶν πολιτῶν: on the position of the genitive (belonging to the antecedent of οὗ), cf. XXIII. 4 and 6.

πονηρίαν ἀπέθνησκον, καὶ τοὺς ἐμπόρους ἐφ' οὓς οὗτοι συνέστησαν· οἵς ὑμεῖς χαριεῖσθε καὶ προθυμοτέρους ποιήσετε, δίκην παρὰ τούτων λαμβάνοντες. εἰ δὲ μή, τίν' αὐτοὺς οἴεσθε γνώμην ἔξειν, ἐπειδὴν πύθωνται ὅτι τῶν 140 καπῆλων, οἱ τοῖς εἰσπλέουσιν ὡμολόγησαν ἐπιβουλεύειν, ἀπεψηφίσασθε;

22 Οὐκ οἶδ' ὃ τι δεῖ πλείω λέγειν· περὶ μὲν γὰρ τῶν ἄλλων τῶν ἀδικούντων, ὅτου δικάζονται δεῖ παρὰ τῶν κατηγόρων πυθέσθαι, τὴν δὲ τούτων πονηρίαν ἄπαντες 145 ἐπίστασθε. - ἀν οὖν τούτων καταψηφίσησθε, τά τε δίκαια ποιήσετε καὶ ἀξιώτερον τὸν σῖτον ὀνήσεσθε. εἰ δὲ μή, τιμιώτερον.

These are the *πολῖται* mentioned in § 16. — *οἱς*: not repeated in the acc. with *ποιήσετε*, see on § 13.

22. *ὅτου δικάζονται*: on this genitive of the crime (G. 1121; II. 745), cf. x. 2, *κακηγορίας δικάζεσθαι*, Dem.

LIV. 41, *παθὼν ὑπὸ Κόνωνος ταῦθ' ὅν δικάζομαι*, though the verb is middle in both examples. See App. — *τιμιώτερον*: clearly an *ad captandum* argument. But the short epilogue contains also an appeal to justice.

## AGAINST PANCLEON.

### INTRODUCTION.

THE word ἀντιγραφή, which properly signified the written answer put in by the defendant to the charges brought against him, was also used as a general term covering the point or points which defendants might choose to plead in their answers. There were, however, special terms of more limited meaning. For example, if at the ἀνάκρισις a defendant objected, on any ground whatever, to the admissibility of the suit,—as, for instance, that it was not brought in accordance with proper legal forms or before the proper magistrate,—he put in what was called a παραγραφή.<sup>1</sup> The παραγραφή was, therefore, a special kind of ἀντιγραφή.<sup>2</sup> If it convinced the accuser of an error in his opening proceedings, he withdrew the case or took it to the proper court. Otherwise the issue raised by the παραγραφή was made the subject of an ἀνάκρισις (the original suit meanwhile coming to a standstill), and was then brought before a regular court for settlement. In this court the bringer of the παραγραφή had the privilege of speaking first.<sup>3</sup> The loser ran the risk of *epobelia*.<sup>4</sup>

The speech *Against Pancleon* was written for a case of this sort.<sup>5</sup> The speaker, a man unknown to us, had brought a private<sup>6</sup> suit

<sup>1</sup> In general see M. and S. p. 833 ff., especially pp. 849–855; Gilbert, *Antiq.* p. 407 f.

<sup>2</sup> M. and S. p. 849. It differed from the διαιμαρτυρία (see on § 13) in its form, in that it was made and defended by the accused, and was not dependent upon the evidence of witnesses. Another term for this method of pro-

cedure seems to have been ἐξωμοσία (M. and S. p. 854).

<sup>3</sup> M. and S. p. 850. He would probably prefer to do so; cf. Dem. xviii. 7.

<sup>4</sup> M. and S. p. 851; see Introd. § 49.

<sup>5</sup> The Greek title is therefore erroneous, and it should read: πρὸς τὴν Παγκλέωνος παραγραφήν (M. and S. p. 853, note 243). <sup>6</sup> Cf. δίκης, §§ 1, 10.

against one Pacleon, a fuller by trade, whom he had summoned before the polemarch<sup>7</sup> in the belief that he was a metic. But Pacleon, who seems to have had a good deal of experience in law-suits,<sup>8</sup> raised in his ἀντιγραφή the point that the suit μὴ εἰσαγώγυμον εἴηται.<sup>9</sup> That is, he put in what we call a ‘plea to the jurisdiction’ (in Roman law *exceptio fori*), on the ground that he was not a metic at all, but a person entitled to the rights of Attic citizenship, inasmuch as he was a Plataean.<sup>10</sup> Hence our speaker had to overthrow this παραγραφή (for such it was in effect, though the special term is not used in the speech<sup>11</sup>) before the original suit could go on. It is clear from the manner of the speech itself that he spoke first, contrary to the practice in other cases of this sort as known to us.<sup>12</sup>

After the shortest possible preface,<sup>13</sup> the speaker explains that although Pacleon had said at the outset<sup>14</sup> that he was a Plataean-Athenian of the deme Decelea, yet inquiries made among members of that deme brought out the fact that none of them had ever heard of him; further, it appeared that suits had already been tried against him before the polemarch; hence the speaker laid his suit there.<sup>15</sup> These inquiries were carried on more extensively after Pacleon had repeated his claim formally before that magistrate, the only result of them being that one person said that he had a runaway slave named Pacleon.<sup>16</sup> Some days after, this person, whose name was Nicomedes, seized upon Pacleon as his slave; the speaker happened to be present, and afterwards attended the

<sup>7</sup> Who had jurisdiction in matters concerning metics; M. and S. p. 66 ff.; Gilbert, *Antiq.* p. 254; Arist. *Resp.* *Ath.* 58. 2; cf. the Roman praetor *peregrinus*.

<sup>8</sup> Cf. §§ 3, 4, 9, 13 f.

<sup>9</sup> § 5.

<sup>10</sup> After the siege and destruction of Plataea by Spartans and Thebans (Thuc. iii. 20–24, and 68) in 428 and 427 b.c., the remnant of the Plataeans was received by the Athenians and given rights of citizenship, the men

being distributed among the demes and tribes. For a full account of this, with the decree, cf. [Dem.] LIX. 94–106.

<sup>11</sup> Only the general term ἀντιγραφή is used, §§ 5, 10; see M. and S. p. 853.

<sup>12</sup> M. and S. p. 853; Blass, *Att. Bereds.* I, p. 619. Otherwise the speaker would have referred to Pacleon’s arguments and would not have given so full a statement of the case.

<sup>13</sup> § 1.

<sup>14</sup> § 2.

<sup>15</sup> §§ 2–3.

<sup>16</sup> §§ 5–8.

proceedings in a suit which followed ; there he, with his witnesses, saw a woman disputing with Nicomedes the claim to Panceon ; the result was that Panceon's friends carried him off without waiting for a verdict.<sup>17</sup> From this incident the inference might be drawn that Panceon himself could not prove that he was even a freeman.<sup>18</sup> To complete the evidence, it appeared that Panceon, in a suit brought against him by Aristodicus, had raised this same plea to the jurisdiction ; that he had apparently been unable to overthrow the evidence (given by a διαμαρτυρία) that he was no Plataean ; and that he had allowed Aristodicus to win the original suit as brought before the polemarch.<sup>19</sup> Hereupon, with a three-line epilogue,<sup>20</sup> the speaker rests his case.

In this speech there is used but little argument, for it consists of hardly anything but a brief statement of facts. This sufficed,<sup>21</sup> for the speaker needed only to show the judges that he had had good grounds for bringing the suit before the polemarch. But incidentally (and herein lies the art of the oration) he leads the hearer to believe that Panceon, far from being a Plataean, was actually a slave, and he does this without making any direct charge to this effect. At the very moment when the judges might have expected him to do so, he draws back and, as it were, puts it into Panceon's own mouth.<sup>22</sup> By this neat turn and by the whole tone of the speech he avoids showing any needless bitterness, and escapes the suspicion that he was prosecuting a poor fellow from mere *ιδεῖς*.<sup>23</sup>

This oration and the Twenty-fourth illustrate a custom of the Athenians which nowadays we see existing only in our small country towns. It was the regular practice to drop in during the day at the various shops about the *ἀγορά* to have a chat with one's friends, to hear the news, and to exchange the latest bits of gossip. Thus in the Twenty-fourth oration, § 20, we find the perfumers',

<sup>17</sup> §§ 9-11.

<sup>18</sup> § 12.

we have only an epitome of the actual speech ; see Blass, *Att. Bereds.* I, p. 620.

<sup>19</sup> §§ 13-15.

<sup>20</sup> § 16.

<sup>22</sup> § 12. Cf. Introd. to xxxi, note 19.

<sup>21</sup> And there is no reason to believe, with Francken (*Comm. Lys.* p. 164) that

<sup>23</sup> § 5.

the cobblers', and the barbers' shops made use of in this way; so, too, people gathered about the bankers' tables.<sup>24</sup> Certain sets of people seem to have had their particular haunts; for the speaker of our oration knew that Deceleans were to be found at a barber's shop near the Hermae,<sup>25</sup> and he was told that the Plataeans met at the green-cheese market.<sup>26</sup> He went therefore to these places to ask about his man. Such resorts took the place of our clubs, and he who did not frequent them was considered an unsociable and rather stuck-up person.<sup>27</sup> Of all these resorts, the barbers' shops were the favourite, and ancient literature contains many allusions to the chatter and gossip that abounded in them.<sup>28</sup> Theophrastus dubbed them 'wineless symposia.'<sup>29</sup> The barber himself has been in all ages a type of garrulity. Everybody knows the story of king Archelaus (a contemporary of Lysias), which is constantly turning up as a new joke in our comic papers.<sup>30</sup> Another barber nearly lost his life by his desire to be the first to retail the latest news. This was the man who heard in the Piraeus from one of his customers the news of the defeat in Sicily. Up he rushed to the city and began to spread the news; but, being unable to give the name of his informant, he was actually bound to the wheel to be tortured as an unpatriotic liar, when, fortunately for him, the sad news was confirmed by official messengers.<sup>31</sup>

In the oration against Pancleon there is nothing by which the date of its delivery can be fixed.

<sup>24</sup> [Lys.] ix. 5. On the general subject, see Hermann, *Privatalt.* p. 126; Wilamowitz, *Phil. Untersuch.* I, p. 196.

<sup>25</sup> § 3.

<sup>26</sup> § 6.

<sup>27</sup> Dem. xxv. 52, οὐδὲ προσφοιτῷ πρὸς τι τοῦτων τῶν ἐν τῷ πόλει κουρέων ἡ μυροπωλίων ἡ τῶν ἀλλων ἐργαστηρίων οὐδὲ πρὸς ξύ.

<sup>28</sup> E.g., Ar. *Plut.* 338; Av. 1441. See Hermann, *ibid.*

<sup>29</sup> Apud Plut. p. 679 A, Θεόφραστος

ἴσινα συμπόσια παλίων ἐκάλει τὰ κουρέαι, διὰ τὴν λαλιὰν τῶν προσκαθίζοντων.

<sup>30</sup> χαριέντως γοῦν ὁ βασιλεὺς Ἀρχέλαος, ἀδολέσχον (*talkative*) κουρέως περιβαλόντος αὐτῷ τὸ ὠμόλινον (*towel*), καὶ πυθομένου· πῶς σε κείω, βασιλεῦ; σιωπῶν, ἔφη, Plut. p. 509 B.

<sup>31</sup> Plut. *ibid.* and *Nicias*, 30. The best account of Greek and Roman barbers is by F. W. Nicolson in vol. II, p. 41 ff. of the *Harvard Studies in Classical Philology*.

# ΚΑΤΑ ΠΑΓΚΛΕΩΝΟΣ

## ΟΤΙ ΟΤΚ ΉΝ ΠΛΑΤΑΙΕΤΣ.

- 1 Πολλὰ μὲν λέγειν, ὡς ἄνδρες δικασταί, περὶ τουτού τοῦ πράγματος οὗτ' ἀν δυναίμην οὔτε μοι δοκεῖ δεῖν· ὡς δὲ ὁρθῶς τὴν δίκην ἔλαχον τουτῷ Παγκλέωνι οὐκ ὅντι Πλαταιεῖ, τοῦτο ὑμῖν πειράσομαι ἀποδεῖξαι.
- 2 Ὡς γὰρ ἀδικῶν με πολὺν χρόνον οὐκ ἐπαύετο, ἐλθὼν ἐπὶ τὸ γναφεῖον ἐν ὧ εἰργάζετο προσεκαλεσάμην αὐτὸν πρὸς τὸν πολέμαρχον, νομίζων μέτοικον εἶναι. εἰπόντος δὲ τούτου ὅτι Πλαταιεὺς εἴη, ἡρόμην ὅπόθεν δημοτεύοιτο, παραινέσαντός τινος τῶν παρόντων προσκαλέσασθαι καὶ 10 πρὸς τὴν φυλὴν ἥστινος εἶναι σκήπτοιτο. ἐπειδὴ δὲ ἀπεκρίνατο ὅτι Δεκελειόθεν, προσκαλεσάμενος αὐτὸν καὶ

1. ὁρθῶς: i.e. before the proper court.—δίκην ἔλαχον: see Introd. § 46.—Πλαταιεῖ: see p. 105, note 10.

2. ὡς: instead of ἐπειδὴ or ὅτε, the only instance in Lysias of this temporal use and very rare in the other earlier orators (Fuhr).—ἐπὶ: not into. See on xii. 8.—γναφεῖον: the fuller, γναφεύς, scoured and cleansed home-made cloth, and washed and cleaned soiled clothing. See, in general, Smith, *Dict. Antiq.* s.v. *fullo*.—προσεκαλεσάμην: see Introd. § 46.—τῶν παρόντων: probably one of the speaker's κλητῆρες. See Introd. § 46.—καὶ: also.—ἥστινος...σκήπτοιτο: of which he alleged that he was a

member.—τὸν δικάζοντας: a body of forty men, chosen by lot, four from each tribe, acted in divisions of four for their appropriate tribes. Such were called *οἱ κατὰ δήμους δικασταί*. Cases of *αἰκτία* and *βίαια* (see on § 12), together with nearly all those which concerned rights to property, came before them. If the amount at issue was not over ten drachmae, their decision was final; otherwise they sent the case to the public arbitrators and, if necessary, to the courts. See Arist. *Resp. Ath.* 53; M. and S. p. 88 ff.; Gilbert, *Antiq.* p. 377.—*Ιπποθωντίδι*: Decelea belonged to that tribe.

3 πρὸς τοὺς τῇ Ἰπποθωντίδι δικάζοντας, ἐλθὼν ἐπὶ τὸ κουρεῖον τὸ παρὰ τοὺς Ἐρμᾶς, ἵνα οἱ Δεκελεῖς προσφοιτῶσιν, ἡρώτων, οὓς τε ἔξευρίσκοιμι Δεκελέων ἐπυνθανόμηντο εἰς 15 τινα γιγνώσκοιεν Δεκελειόθεν δημοτεύομενον Παγκλέωνα. ἐπειδὴ δὲ οὐδεὶς ἔφασκεν γιγνώσκειν αὐτόν, πυθόμενος ὅτι καὶ ἑτέρας δίκας τὰς μὲν φεύγοι τὰς δ' ὀφλήκοι παρὰ τῷ πολεμάρχῳ, ἔλαχον καὶ ἔγώ.

4 Πρῶτον μὲν οὖν ὑμῖν Δεκελέων οὓς ἡρόμην μάρτυρας 20 παρέξομαι, ἐπειτα δὲ καὶ τῶν ἄλλων τῶν λαχόντων τε δίκας αὐτῷ πρὸς τὸν πολέμαρχον καὶ καταδικασμένῶν, ὅσοι τυγχάνουσι παρόντες. καί μοι ἐπίλαβε τὸ ὕδωρ.

### МАРТУРЕΣ.

5 Ἐκ μὲν τούτων πεισθεὶς πρὸς τὸν πολέμαρχον αὐτῷ

3. παρὰ τοὺς Ἐρμᾶς: *along by the Hermae* (i.e. as you go by them), cf. III. 17, ἥδη δὲ αὐτοῖς οὗτοι παρὰ τὴν Λάμπτωνος οἰκλαν, And. I. 38, ἐπει δὲ παρὰ τὸ προπύλαιον τὸ Διονύσου ἦν. The speaker means a celebrated row of Hermae (square pillars terminating in the head of Hermes) in that part of the market near which were shops. See App. — ἵνα: generally with verbs of rest, hence *οἴ* might have been used here, but cf. Dinarch. II. 10, τέπος . . . ἵν' ἔξῆν ἀπάγειν τοὺς ἐκ δεσμωτηρίου κλέψαντας, Thuc. IV. 74, ἵναπερ ὥρμητο. — ἡρώτων: *I made inquiries.* — τέ: for its use without *καί*, see on XXXI. 2. — φεύγοι, ὀφλήκοι: note the difference in tense. Some suits were still pending. — παρὰ τῷ πολέμαρχῳ: the dat. of a word denoting a magistrate or board is very common with *παρά* in such contexts.

See Lutz, *Präp.* p. 147, and on VII. 14.

4. Δεκελέων οὓς: for the position of the gen., cf. τῶν ἄλλων δούσι, § 6, and see on XXII. 21. — πρὸς τὸν πολέμαρχον: the acc. (with *πρὸς*) of a word denoting a magistrate or board is common with expressions denoting appearance or action before such officers. Cf. §§ 2 and 5, and see Lutz, *Präp.* p. 160. — καταδικασμένων: without the article, as this partic. refers to the same persons as λαχόντων. The mere *bringing suit* would be no proof that Panceon was a metic, but *conviction* would prove it. — ἐπίλαβε: addressed to the officer (ὁ ἐφύδωρ) in charge of the κλεψύδρα, on which see Smith, *Dict. Antiq.* s.v. *horologium*. The time taken up by witnesses was not deducted from that allowed to a speaker.

τὴν δίκην ἔλαχον· ἐπειδὴ δέ μοι αὐτὴν ἀντεγράφατο μὴ 25 εἰσαγώγιμον εἶναι, περὶ πολλοῦ ποιούμενος μηδενὶ δόξαι ὑβρίζειν βούλεσθαι μᾶλλον ἡ δίκην λαβεῖν ὥν ἡδικήθην, πρῶτον μὲν Εὐθύκριτον, ὃν πρεσβύτατόν τε Πλαταιῶν ἐγίγνωσκον καὶ μάλιστα φόμην εἰδέναι, ἡρόμην εἴ τινά γιγνώσκοι Ἰππαρμοδώρου ὑὸν Παγκλέωνα Πλαταιᾶ· 6 ἐπειτα δέ, ἐπειδὴ ἐκείνος ἀπεκρίνατο μοι ὅτι τὸν Ἰππαρμόδωρον μὲν γιγνώσκοι, ὑὸν δὲ ἐκείνῳ οὐδένα οὔτε Παγκλέωνα οὔτε ἄλλον οὐδένα εἰδείν ὄντα, ἡρώτων δὴ καὶ τῶν ἄλλων ὅσους ἥδη Πλαταιᾶς ὄντας. πάντες οὖν ἀγνοοῦντες τὸ ὄνομα αὐτοῦ, ἀκριβέστατα ἀν ἔφασάν με πυθέασθαι ἐλθόντα εἰς τὸν χλωρὸν τυρὸν τῇ ἔνη καὶ νέᾳ ταύτῃ γὰρ τῇ ἡμέρᾳ τοῦ μηνὸς ἐκάστου ἐκεῖσε συλλέγεσθαι 7 τὸν Πλαταιᾶς. ἐλθὼν οὖν εἰς τὸν τυρὸν ταύτῃ τῇ ἡμέρᾳ ἐπυνθανόμην αὐτῶν, εἴ τινα γιγνώσκοιεν Παγκλέωνα πολίτην σφέτερον. καὶ οἱ μὲν ἄλλοι οὐκ ἔφασαν γιγνώσκειν, εἴς δέ τις εἶπεν ὅτι τῶν μὲν πολιτῶν οὐδενὶ εἰδείη

5. ἀντεγράφατο: see p. 105, note 11, for the special meaning here. — μὴ εἰσαγώγιμον εἶναι: sc., to the polemarch (see p. 105, and Introd. § 46), ‘that it was not in his jurisdiction.’ — ὑβρίζειν: be overbearing or high-handed; i.e. he did not wish to seem to be putting himself above the law.

6. τὸν χλωρὸν τυρόν: χλωρός is explained in Bekker *Anec.* p. 73, δ νέος καὶ πρόσφατος. Cf. Ar. *Ran.* 559, τὸν τυρόν γε τὸν χλωρὸν τάλαν, ὃν οὐτος (*Heracles*) αὐτοῖς τοῖς ταλάροις (wicker baskets in which cheese and fruit were sold) κατήσθιεν. On the Athenian habit of naming places from the wares sold there, cf. Poll. *ix.* 47, οἱ Ἀττικοὶ ὠνόμαζον (τοὺς τό-

ποὺς) ἀπὸ τῶν ἐν αὐτοῖς πιπρασκομένων, ὡς εἰ φαῖεν ‘ἀπῆλθον ἐς τοῦψον’ (cf. Aeschin. I. 65, and see on Lys. *xxxii.* 20), καὶ ἐς τὸν οἶνον (cf. Ar. *frag.* 299, Kock), καὶ ἐς τοῦλαιον (*Menander*, inc. 339, Dind.) καὶ ἐς τὰς χύτρας’ (cf. Ar. *Lys.* 557). So παρὰ τὸν λχθύς, Ar. *Ran.* 1068, and ἀγαγόντα εἰς τὸν σιδηρὸν ἐπιδεῖξαι αὐτὸν ἔφη πολλὰς μὲν μαχαλρας κτλ., Xen. *Hellen.* iii. 3. 7. — ἔνη καὶ νέᾳ: the common name for the last day of the month, originating with Solon. Cf. Plut. *Solon*, 25, Diog. *Laert.* i. 2. 57, and Gow, p. 79 ff. It was a sort of settling day in money matters; cf. Ar. *Nub.* 1134.

7. εἰς δέ τις: this was Nicomedes,

τοῦτο ὃν τὸ ὄνομα, δοῦλον μέντοι ἔφη ἕαυτοῦ ἀφεστῶτα εἶναι Παγκλέωνα, τίνι τε ἡλικίαν λέγων τὴν τούτου καὶ 8 τὴν τέχνην ἥ οὐτος χρῆται. Ταῦτ' οὖν ὡς ἀληθῆ ἐστι, τόν τε Εὐθύκριτον, ὃν πρώτον ἡρόμην, καὶ τῶν ἄλλων 45 Πλαταιῶν ὅσοις προσῆλθον, καὶ τὸν ὃς ἔφη δεσπότης τούτου εἶναι, μάρτυρας παρέξομαι. καί μοι ἐπίλαβε τὸ ὕδωρ.

## ΜΑΡΤΥΡΕΣ.

9 Ἡμέραις τούννυ μετὰ ταῦτα οὐ πολλαῖς ὑστερον ἵδων ἀγόμενον τοντονὶ Παγκλέωνα ὑπὸ τοῦ Νικομήδου, ὃς 50 ἐμαρτύρησεν αὐτοῦ δεσπότης εἶναι, προσῆλθον βουλόμενος εἰδέναι ὁποῖόν τι περὶ αὐτοῦ πραχθήσοιτο. τότε μὲν οὖν ἐπειδὴ ἐπαύσαντο μαχόμενοι, ἐπον τινες τῶν τούτω παρόντων ὅτι εἴη αὐτῷ ἀδελφὸς ὃς ἐξαιρήσοιτο αὐτὸν εἰς

§ 9.—ἀφεστῶτα : used here of a runaway slave (*cf.* Thuc. i. 139. 2, ἀνδραπόδων ὑποδοχὴν τῶν ἀφισταμένων) instead of the usual ἀποφεύγω, ἀποδιδράσκω (see on xvi. 17), or δραπέτης. For the verb is properly applied to freedmen who neglect their duties to their patrons, thus becoming liable to the δικη ἀποστασίου, M. and S. p. 619 ff., Arist. *Resp.* Ath. 58. 3.—τὴν τέχνην : *cf.* § 2, and see on xxii. 16.

8. καὶ τὸν ὃς κτλ. : equivalent to τὸν εἰπόντα κτλ. This is a survival of the demonstrative use of δ, ή, τό, before a relative clause, found esp. in Plato. H. 655 c ; Kühn. § 459, 1 a; *cf.* Dem. xxii. 64, μισεῖν τοὺς οἰόσπερ οὗτος, Plat. *Prot.* 320 D, ἐκ γῆς καὶ πυρὸς μιξαντες καὶ τῶν δσα πυρὶ καὶ γῇ κεράννυται. Lysias has this usage only here, but for τὸν καὶ τὸν *cf.* I. 23, xix. 59, and see H. 655 b; πρὸ τοῦ, XII. 2.

9. ἀγόμενον : a master had the right to seize upon and repossess himself (ἀγειν εἰς δουλειαν or simply ἀγειν) of a runaway slave wherever found. The term (see App. to § 10) ἐξαιρεῖσθαι or ἀφαιρεῖσθαι (with or without εἰς ἐλενθεριαν) was used of a citizen who opposed the claim on the ground that the man was free. Such an opponent had to undertake to bring the slave before the polemarch and give security (three citizens required) that, in case he lost the following suit, he would pay the damages. On the subject, see M. and S. p. 658 ff., and *cf.* the case of Verginia in Livy iii. 44 ff. — ἐμαρτύρησεν : referring to the evidence just given, at the end of § 8. — τῶν τούτω παρόντων : friends to whom Pangleon had appealed with the legal word μαρτύρομαι. *Cf.* § 12. — ἐξαιρήσοιτο : no actual ἐξαιρεσις, therefore, took

έλευθερίαν· ἐπὶ τούτοις ἔγγυησάμενοι παρέξειν εἰς αὐτοιν  
 10 ὥχοντο ἀπιόντες. τῇ δ' ὑστεραίᾳ τῆς τε ἀντιγραφῆς  
 ἔνεκα ταυτησὶ καὶ αὐτῆς τῆς δίκης ἔδοξέ μοι χρῆναι μάρ-  
 τυρας λαβόντι παραγενέσθαι, ἵν' εἰδείην τὸν τ' ἔξαιρησό-  
 μενον αὐτὸν καὶ ὅ τι λέγων ἀφαιρήσοιτο. ἐφ' οἷς μὲν  
 οὖν ἔξηγγυήθη, οὗτε ἀδελφὸς οὗτε ἄλλος οὐδεὶς ἥλθε,  
 γογυνὴ δὲ φάσκουσα αὐτῆς αὐτὸν εἶναι δοῦλον, ἀμφισβη-  
 τοῦσα τῷ Νικομήδει, καὶ οὐκ ἔφη ἔάστειν αὐτὸν ἄγειν.  
 11 ὅσα μὲν οὖν αὐτόθι ἐρρήθη, πολὺς ἀν εἴη μοι λόγος διη-  
 γεῖσθαι· εἰς τοῦτο δὲ βιαιότητος ἥλθον οἵ τε παρόντες  
 τούτῳ καὶ αὐτὸς οὗτος, ὥστε ἐθέλοντος μὲν τοῦ Νικομή-  
 δους ἐθελούστης δὲ τῆς γυναικὸς ἀφιέναι, εἴ τις ἡ εἰς ἔλευ-  
 θερίαν τοῦτον ἔξαιροιτο ἡ ἄγοι φάσκων ἔαυτοῦ δοῦλον  
 εἶναι, τούτων οὐδὲν ποιήσαντες ἀφελόμενοι ὥχοντο. ὡς  
 οὖν τῇ τε προτεραιά ἐπὶ τούτοις ἔξηγγυήθη καὶ τότε βίᾳ  
 ὥχοντο ἀφελόμενοι αὐτόν, μάρτυρας παρέξομαι ὑμῖν. καὶ  
 τοι μοι ἐπίλαβε τὸ ὕδωρ.

## ΜΑΡΤΥΡΕΣ.

12 Ἄρδιον τοίνυν εἰδέναι ὅτι οὐδ' αὐτὸς Παγκλέων νομίζει  
 ἔαυτὸν μὴ ὅτι Πλαταιαῖ εἶναι, ἀλλ' οὐδ' ἐλεύθερον. ὅστις

place on that day, but it appears that the man in question was let go, on the agreement of friends to produce him next day before the polemarch for the legal ἔξαλρεσις by his brother; see M. and S. p. 659.—*εἰς αὐτοιν*: see App.

10. ἀντιγραφῆς and δίκης: the speaker hoped to get, by being present at the ἔξαλρεσις, some useful points on both his original suit (δίκης) and the ἀντιγραφῆ of Pancleon.—*ἐφ' οἷς*: = ἐπὶ τούτοις (§ 9) *ἐφ' οἷς*. — ἀμφισβη-

**τοῦντα:** laying a claim against. Cf.-XVII. 5, ἡμῖν οἱ Ἐρασιφῶντος οἰκεῖοι τούτων τῶν χρημάτων ἡμφισβήτουν, and XXIV. 14.

11. **ἐθέλοντος, ἐθελούστης:** note the anaphora, used only here in this speech.

12. **ἔαυτόν:** the subject is expressed for emphasis. H. 940 b; Kr. Spr. 55, 2, 3.—*μὴ ὅτι*: 'not to speak of,' stronger than *not only*. G. 1504; H. 1035 a. — **ὅστις ἔβουλήθη ... οὐδενὶ χαλεπὸν κτλ.**: see on XXXI. 22.

γὰρ ἐβουλήθη βίᾳ ἀφαιρεθεὶς ἐνόχους καταστῆσαι τοὺς  
ἐαυτοῦ ἐπιτηδείους τοῖς βιαίοις μᾶλλον ἢ κατὰ τοὺς νόμους  
τοῖς εἰς τὴν ἐλευθερίαν ἔξαιρεθεὶς δίκην λαβεῖν παρὰ τῶν  
ἀγόντων αὐτόν, οὐδενὶ χαλεπὸν γνῶναι ὅτι εὗ ἐιδὼς ἑαυτὸν  
ὄντα δούλον ἔδεισεν ἐγγυητὰς καταστήσας περὶ τοῦ σώματος ἀγωνίσασθαι.

13 Ὅτι μὲν οὖν Πλαταιεὺς εἶναι πολλοῦ δεῖ, οἷμαι ὑμᾶς ἐκ  
τούτων σχεδόν τι γιγνώσκειν. ὅτι δὲ οὐδέν αὐτός, ὃς  
ἀριστα οἶδε τὰ αὐτοῦ, ἡγήσατο δόξαι ἀν ὑμῖν Πλαταιεὺς  
εἶναι, ἐξ ὧν ἐπράξε. ῥαδίως μαθήσεσθε. ἐν τῇ ἀντωμοσίᾳ  
γὰρ τῆς δίκης ἦν αὐτῷ ἔλαχεν Ἀριστόδικος οὗτοσι,  
ἀμφισβητῶν μὴ πρὸς τὸν πολέμαρχον εἶναι οἱ τὰς δίκας,

— ἐνόχους καταστῆσαι κτλ.: *i.e.* they would stand guilty of forcible abduction instead of lawful ἐξαίρεσις, and were liable to the δίκη βιαίων with a penalty of double the value of the plaintiff's loss. M. and S. pp. 646, 660. — δίκην λαβεῖν κτλ.: if Pancleon had really been a free man, he was morally bound to bring the action just mentioned against the two persons who asserted that he was a slave. — εἰδὼς ἑαυτὸν ὄντα: the acc. of the partic. is used when a reflexive is the object of a verb that takes the partic. in indir. discourse. GMT. 905. — σώματος: used of his civil status. See on VII. 26.

13. εἶναι πολλοῦ δεῖ: *he is far from being.* See on XII. 17. — σχεδόν τι: 'pretty well,' cf. XIII. 33, σχεδόν τι οἷμαι ὑμᾶς ἐπιστασθαι. — ἀντωμοσίᾳ: properly used only of the defendant's oath at the ἀνάκρισις, but here of the proceedings in general there. See M.

and S. p. 827 ff. — μὴ εἶναι: the negative idea of ἀμφισβητῶν repeated, and so after διεμαρτυρήθη. See on VII. 18. — οἱ: this indir. reflexive is rarely used by the orators, but by Lysias in XIII. 41, six times in Andocides, twice in Antiphon, once in Isaeus. Kr. Spr. 51, 2, 4; Kühn. § 455, 5, 9; Dyroff, *Gesch. d. Pron. Reflex.* p. 361 ff. — διεμαρτυρήθη: at the anacrisis, Pancleon had claimed that he was a citizen (being a Plataean), and that consequently the polemarch had no jurisdiction in his case. Thereupon Aristodicus brought in a διαμαρτυρία (that is, he presented witnesses to prove that Pancleon's objection would not hold), and διεμαρτυρήθη, 'testimony was brought to show' that he was not a Plataean. See M. and S. p. 842 ff., esp. p. 848, and on the repetition in μὴ of the negative idea, cf. Isaeus VI. 4, διεμαρτύρησεν Ἀνδροκλῆς οὗτοσι μὴ ἐπιδικον εἶναι τὸν κλῆρον.

14 διεμαρτυρήθη μὴ Πλαταιεὺς εἶναι, ἐπισκηψάμενος δὲ τῷ μάρτυρι οὐκ ἐπεξῆλθεν, ἀλλ' εἴασε καταδικάσασθαι αὐτοῦ τὸν Ἀριστόδικον. ἐπειδὴ δὲ ὑπερήμερος ἐγένετο, ἐξέτεισε τὴν δίκην, καθ' ὅ τι ἔπειθε<sup>ι</sup> καὶ τούτων, ὡς ἀληθῆ ἔστι, μάρτυρας ἐγὼ παρέξομαι ὑμῖν. καί μοι ἐπίλαβε τὸ ὕδωρ.

## ΜΑΡΤΥΡΕΣ.

15 Πρὶν τοίνυν ταῦτα ὁμολογηθῆναι αὐτῷ, δεδιώς τὸν Ἀριστόδικον, μεταστὰς ἐντεῦθεν Θήβησι μετώκει. καίτοι οἵμαι εἰδέναι ὑμᾶς ὅτι εἴπερ ἦν Πλαταιεύς, πανταχοῦ μᾶλλον ἢ Θήβησιν εἴκος ἦν αὐτὸν μετοικῆσαι. ὡς οὖν ἔκει ὥκει πολὺν χρόνον, τούτων ὑμῖν μάρτυρας παρέξομαι. 95 καί μοι ἐπίλαβε τὸ ὕδωρ.

14. **ἐπισκηψάμενος**: concessive. The *ἐπισκηψίς* was the notice of intention to bring a δίκη ψευδομαρτυρῶν, *action for false witness*. It had to be given before the judges voted; Arist. *Resp. Ath.* col. 36. See M. and S. p. 491. — **ἐπεξῆλθεν**: prosecuted. — **ὑπερήμερος**: a term was fixed for the settlement of fines or damages, though we do not know what it was. But of course the parties could agree upon an extension (cf. [Dem.] XLVII. 49, μελλούσης μοι ἡδη ἐξήκειν τῆς ὑπερημερίας . . . ἐδεύμην δ' αὐτοῦ ἀναβαλέσθαι τὴν ὑπερημερίαν), or, as here, could settle it by compromise (*ὁμολογία*, see below, § 15) after the term had expired; see M. and S. p. 964. — **καθ'** ὅ τι ἔπειθε<sup>ι</sup>: as *ἔκτινω* generally means to pay in full, this relative clause modifies it by showing that there was a compromise, and means *on the terms he persuaded him to accept, i.e. 'on the best terms possible.'* For a

like ellipse with *πειθώ*, cf. [Dem.] I. 42, τὸ ἐπιτριπράχημα ἀπέδωκε τῷ Ἀγνίᾳ τοῦ χρόνου οὐ ἐπανήλωσεν ὑπὲρ αὐτῶν, δον ἔπεισε, and an inscription from Orchomenus, Boeotia, ap. Cauer, *Delectus Inscr. Graec.* 295, 184, ἀποδόμεν τὰν πόλιν Ἐρχομενίων Νικαρέτη Θιωνος, ὃ ἐπιθωσαν οὐπὲρ τὰν οὐπεραμερίαων τὰν ἐπὶ Ξενοκρίτω δροχοντος ἐν Θεσπιῆς, ἀργούρια δραχμὰς μουρίας κτλ. For *καθ'* δ τι, cf. *καθ'* δον, Lys. XXXI. 8, and the common phrase *καθ'* δον δύναμαι, also Lycurg. *Leocr.* 16, *καθ'* δ τι δην αὐτοῖς δοκῆ.

15. **ὁμολογηθῆναι**: the regular word in such affairs, see on § 14, and [Dem.] XLII. 12, XLVII. 77 ff. — **μετώκει**: *he lived as a foreigner*, cf. XII. 20, XXII. 5; note the difference in meaning of the aor. *μετοικῆσαι*. See on XII. 71. — **πανταχοῦ μᾶλλον**: on account of the long hostility between the two places; see note 10, p. 105. — *εἴκος ἦν*: without *ἄν*, see on XII. 32.

## ΜΑΡΤΥΡΕΣ.

16 Ἐξαρκεῦν μοι νομίζω τὰ εἰρημένα, ὃ ἄνδρες δικασταί·  
έὰν γὰρ διαμνημονεύητε, οἶδ' ὅτι τά τε δίκαια καὶ τἀληθῆ  
ψηφιεῖσθε· ἀ καὶ ἐγὼ ὑμῶν δέομαι.

## FOR THE CRIPPLE.

### INTRODUCTION.

THE system of public charities or state aid to the poor, which we expect to find organized in every civilized modern country, did not exist in Greek antiquity.<sup>1</sup> There was not so great a need for it. In the small states of ancient Greece, property was more evenly divided than it is now; Greeks, indeed, never had, even in the time of the decadence, any such great private fortunes as were common in Rome. Though there were always beggars from the time of Odysseus down, yet these were as a rule rarely natives of the country in which they begged, but were generally, as he pretended to be, exiles or unfortunates from another land. In the best days of Athens the sight of a citizen begging in public was, according to Isocrates,<sup>2</sup> an unknown thing, and this disgrace befell the State only after the misfortunes of the Peloponnesian war and the troubles in the time of the Thirty. But from the earliest times and during the whole history of the city there must always have been cases of indigency arising from physical inability to work, and it was the boast of Athens that she alone of all Greek states made charitable provision for them.<sup>3</sup> This was done not by means of a poor-house, but by allowances.

The earliest known case of the sort is that of Thersippus, a wounded soldier in whose favour Solon obtained a decree that he should be supported at the public cost.<sup>4</sup> Upon this precedent Pisistratus based a general law applying to all such veterans.<sup>5</sup> The

<sup>1</sup> On the general subject, see Boeckh, *Staatshaush.* I, 308 ff., 570 ff.; Hermann, *Privatalt.* p. 94 f.      <sup>2</sup> vii. 83.

<sup>3</sup> Aristid. I, p. 310, Dind.

<sup>4</sup> Plut. *Solon.* 31.

<sup>5</sup> *Ibid.*; cf. Boeckh, *ibid.* p. 309.

next known instance is that of the cripple in Lysias's oration. We see from this that the charity had been extended, and we learn how it was administered. It was no longer confined to old soldiers; for if Lysias's man had ever served, he would certainly have enlarged upon the fact. His allowance amounted to one obol a day,<sup>6</sup> it was voted originally by the Senate,<sup>7</sup> and had to be confirmed annually by that body.<sup>8</sup> The people in the Assembly seem to have voted each year on the whole list of allowances, not troubling themselves ordinarily about individuals.<sup>9</sup> Although the grant was made on the ground that the recipient was incapacitated for work, yet it is clear that the letter of the law was not rigidly enforced; for our cripple had a trade,<sup>10</sup> he could walk, though only with sticks or crutches,<sup>11</sup> and even ride,<sup>12</sup> and that too in the days before stirrups and saddles with trees were known. But in spite of this, more than one Senate had satisfied itself that he was really *ἀδύνατος* within the meaning of the law, for every year the incoming Senate held a *δοκιμασία* on such cases.<sup>13</sup> And at this investigation, charges might be made even against the character of the beneficiary.<sup>14</sup>

In the speech of Aeschines against Timarchus,<sup>15</sup> the orator tells how the accused, himself well off, had suffered his own uncle, a poor old blind man, to be reckoned among the cripples (*ἐν τοῖς ἀδυνάτοις μισθοφοροῦντα*), and how, when he failed to come up for his *δοκιμασία* on the appointed day,<sup>16</sup> but presented himself later with a petition to the Senate, the cruel Timarchus, though himself a Senator, had not a word to say in his behalf, but allowed him to lose *τὸν τῆς πρυτανείας μισθόν*. From this passage we learn that the allowance, called *μισθός*, was paid by the prytany, and from

<sup>6</sup> §§ 13, 26. For the evidence that this was a *day's* allowance, see Aristotle, quoted on p. 118.

<sup>7</sup> §§ 7, 22.    <sup>8</sup> § 26.    <sup>9</sup> § 22.

<sup>10</sup> § 4. What was it? It required him to go about, § 10; he calls himself *δημουργός*, § 19. For the meaning of *τέχνη*, see on xxii. 16.

<sup>11</sup> § 12.

<sup>12</sup> § 10 ff.

<sup>13</sup> § 26.

<sup>14</sup> §§ 15, 19. On the general nature of all *δοκιμασίαι*, see Introd. § 8.

<sup>15</sup> §§ 103, 104.

<sup>16</sup> § 104, *ἀπολειφθέντος τοῦ πρεσβύτου τῆς γυνομένης τοῖς ἀδυνάτοις δοκιμασίας, ἱκετηριαν θέντος εἰς τὴν βουλὴν ὑπὲρ τοῦ μισθοῦ*, and the scholium thereon.

the scholium that ‘cripples’ were *τοὺς ὁπωσδῆποτοῦν ἡχρειωμένους πρὸς ἐπικουρίαν αὐτῶν*.<sup>17</sup>

This brings us down to the more exact statement of the law by Aristotle (*Resp. Ath.* 49. 4), as follows : *δοκιμάζει δὲ καὶ τὸν ἀδυνάτοντος ἡ βουλή· νόμος γάρ ἐστιν ὃς κελεύει τὸν ἐντὸς τριῶν μνῶν κεκτημένοντος, καὶ τὸ σῶμα πεπηρωμένους ὥστε μὴ δύνασθαι μηδὲν ἔργον ἔργαζεσθαι, δοκιμάζειν μὲν τὴν βουλήν, διδόναι δὲ δημοσίᾳ τροφὴν δύο ὁβολοὺς ἑκάστῳ τῆς ἡμέρας.* Two new facts come out here,—first, that the allowance had been increased to two obols; and, second, that it was given to all whose property amounted to less than three minae. The time when this change and this limitation were made remains at present unknown.<sup>18</sup>

Lysias wrote the Twenty-fourth oration for a pensioner of this sort.<sup>19</sup> His cripple seems to have been a celebrity,—perhaps a somewhat impudent fellow, but one who had a lively wit and humour of his own. He attracted the idlers of the market<sup>20</sup> to his little shop, where they would doubtless lounge to exchange a joke,—often rather a biting one, for the man was probably a privileged character. He made friends, however, even among the rich ; witness the loan of horses to him. Such a man would of course make enemies, too, by his ever-ready tongue, and it was

<sup>17</sup> The statement in the scholium that the allowance was three obols seems due to a confusion with the heliast's pay ; see Boeckh, *ibid.* p. 310.

<sup>18</sup> According to Harp., *s.v. ἀδύνατοι*, Philochorus (died in 261 B.C.) said that the allowance was nine drachmae a prytany (= about one and a half obols a day). Harpocration also quotes Aristotle and Lysias on the amount. The sum of five obols a day named in Becker, *Anec.* p. 345, 15, is a clear error. Hesychius and Suidas add nothing new, the former following Aristotle, the latter Harpocration. It has been thought that the amount may have varied with the degree of poverty ; see Boeckh,

*ibid.* p. 310 ; also Hartmann, *Quaest. Gr.* II, p. 1 ff.

<sup>19</sup> Others who received public support (*τροφή*) of a different sort (elsewhere as well as in Athens) were the children of men who had fallen in war, Arist. *Polit.* 1268 a, 6 ff. Among private charities may be mentioned the fitting out of poor men for campaigns by their richer comrades (see on xvi. 14), and the *λόσις αἰχμαλώτων* (see on xii. 20). Then there were the *ἱρανοι* and the *θλαστοι*, see Boeckh, *ibid.* p. 312.

<sup>20</sup> On the life in the *agora*, see p. 106. On the character of the Cripple, see Devries's excellent analysis, in his *Ethopopia*, p. 34 ff.

perhaps one of them — maybe a man of higher station with whom he had gone too far in a joke — that raised objections to his allowance at the annual δοκιμασία.<sup>21</sup> But the accuser got more than he had bargained for. Lysias doubtless knew the man, saw the humour of the situation, marked it for his own, and wrote a speech (probably free of charge) which must have confounded the plaintiff. It was an excellent opportunity for the exhibition of that ἥθοποιία in which Lysias excelled, and he made the most of it. The speech is a very lucky hit, a mixture of serious pleading and of witty retort<sup>22</sup>; now in earnest, now employing intentional absurdity,<sup>23</sup> now jesting,<sup>24</sup> now a comical parody of the solemn and sententious<sup>25</sup>; passing “from grave to gay, from lively to severe.” But the soberness and gravity are really all ironical and used for comic effect, and the speech contains no real pathos unless it be in the concluding appeal that after all it's only an obol that he needs, poor wretch, to make him happy.<sup>26</sup>

Both ancient and modern critics<sup>27</sup> have doubted whether this oration was really the work of Lysias. It has been thought most unlikely that Lysias should have written a speech for such a man, or that the Senate would have listened to so elaborate, and withal so impudent an address, on such a trifling matter. But, as Blass well remarks, neither modern nor ancient critics can tell on what

<sup>21</sup> The word *εἰσαγγελία* in the Ms. Greek title is a manifest error; see M. and S. p. 312. A different title is given by Suidas, who has *s.v.* ἀνάπηρον: Λυσίας ἐν τῷ περὶ τοῦ διδομένου τοῖς ἀδυνάτοις ὄβολον.

<sup>22</sup> Cf. δημότως τούτῳ, § 21.

<sup>23</sup> As, e.g., the notion that he might be choregus or archon, §§ 9, 13,—that he could have been ἐν δυνάμει in the time of the Thirty, § 25,—that his two sticks proved that he was stronger than those who used one, § 12,—that his infirmity was as desirable as an heiress, § 14.

<sup>24</sup> Cf. συκοφαντεῖ, § 2; his *reductio ad absurdum* of the charge so as to apply it to all Athens, § 20; jokes παρὰ προσδοκίαν, as οὐδέν, § 6; φθόνον, § 1.

<sup>25</sup> Gnomic thoughts, §§ 3, 10, 16 ff.; affected and grandiose words, too high for his real station, λασθαι, § 3; ἔλεγμονέστατοι, § 7; φιλοσοφεῖν, § 10; πραβνως, § 15; κωμῳδεῖν, § 18; δειλαιότατος, § 23; his allusions to δαμων and τύχη, § 22; antitheses, §§ 7, 16, 17, 18.

<sup>26</sup> § 26.

<sup>27</sup> Harp. *s.v.* ἀδύνατοι. Boeckh, *ibid.* p. 309.

subjects Lysias would choose to write, or the Athenians to lend an ear.<sup>28</sup> And it is now generally agreed that we have in it one of the most typical of the works of Lysias.<sup>29</sup>

On the date, nothing can be said further than that the speech was delivered some time after the fall of the Thirty.<sup>30</sup>

<sup>28</sup> *Att. Bereds.* I, 637. Blass himself, p. 633, classes it among 'bagatelle' speeches with the lost orations *On the Cruet-stand*, *On the Golden Tripod*, *Defence of the Dog*, etc.

<sup>29</sup> Wilamowitz, *Phil. Untersuch.* I, p. 196, calls it Lysias's best speech.  
<sup>30</sup> § 25.

ΠΡΟΣ ΤΗΝ ΕΙΣΑΓΓΕΛΙΑΝ ΠΕΡΙ ΤΟΥ ΜΗ  
ΔΙΔΟΣΘΑΙ ΤΩΙ ΑΔΥΝΑΤΩΙ  
ΑΡΓΥΡΙΟΝ.

1 Οὐ πολλοῦ δέω χάριν ἔχειν, ὡς βουλή, τῷ κατηγόρῳ,  
ὅτι μοι παρεσκεύασε τὸν ἀγῶνα τουτού. πρότερον γὰρ  
οὐκ ἔχων πρόφασιν ἐφ' ἦς τοῦ βίου λόγον δοίην, νυνὶ διὰ  
τοῦτον εἴληφα. καὶ πειράσομαι τῷ λόγῳ τοῦτον μὲν  
5 ἐπιδεῖξαι ψευδόμενον, ἐμαυτὸν δὲ βεβιωκότα μέχρι τῆσδε  
τῆς ἡμέρας ἐπαίνου μᾶλλον ἄξιον ἢ φθόνου· διὰ γὰρ  
οὐδὲν ἄλλο μοι δοκεῖ παρασκενάσαι τόνδε μοι τὸν κίνδυ-  
2 νον οὗτος ἢ διὰ φθόνου. καίτοι ὅστις τούτοις φθονεῖ οὓς  
οἱ ἄλλοι ἐλεοῦσι, τίνος ἀν ὑμῖν ὁ τοιοῦτος ἀποσχέσθαι  
10 δοκεῖ πονηρίας; εἰ μὲν γὰρ ἔνεκα χρημάτων με συκοφαν-

1. On the opening, see on xvi. 1.  
—οὐ πολλοῦ δέω: see on xii. 17, and for the neg. with this phrase, cf. Xen. *Anab.* v. 4. 32, παῖδας . . . οὐ πολλοῦ δέοντας ἵστους τὸ μῆκος καὶ τὸ πλάτος ἐνναι. —παρεσκεύασε: for the meaning, see on vii. 18. —πρόφασιν: for the meaning, see on xii. 28. —ἐφ' ἦς: for the unusual gen., see App. —ἔχων: a secondary tense, being impf. in time; cf. δοκοῦντες, § 7. —ἐφ' ἦς δοίην: an extension of the dependent deliberative construction (see on xxxii. 20) to a purely rel. clause. Cf. [Dem.] xxxv. 25, οὐκ εἴχομεν δτον ἐπιλαβούμεθα οὐδ' δτον κρατοῦμεν, and for examples of the subjv. after a

primary tense Isocr. xxi. 1, οὐ πρόφασεως ἀπορῶ δί ηττινα λέγω ὑπὲρ Νικίου τουτού, and Xen. *Anab.* i. 7. 7, οὐκ ἔχω Ικανοὺς οἷς δῶ. See GMT. 572, and App. —ἄξιον: see App. —φθόνου: not a real antithesis to ἐπαίνου (as ψέγου would be), but purposely used παρὰ προσδοκιαν. It might excite surprise and amusement at the moment, but it prepares the way for the cripple's attack on the heartlessness of his adversary.

2. εἰ . . . συκοφαντεῖ: the apod. is supplied by a significant gesture (we might turn out a pocket) or a derisive laugh. G. 1416. The apod. is often omitted with the first of two

τεῖ —, εἰ δ' ὡς ἔχθρὸν ἑαυτοῦ με τιμωρεῖται, ψεύδεται· διὰ γὰρ τὴν πονηρίαν αὐτοῦ οὕτε φίλῳ οὕτε ἔχθρῳ πώ-  
3 ποτε ἔχρησάμην αὐτῷ. ἥδη τοίνυν, ὃ βουλή, δῆλός ἐστι  
• φθονῶν, ὅτι τοιαύτῃ κεχρημένος συμφορᾶ τούτου βελτίων  
15 εἴμι πολίτης. καὶ γὰρ οἶμαι δεῖν, ὃ βουλή, τὰ τοῦ σώ-  
ματος δυστυχήματα τοῖς τῆς ψυχῆς ἐπιτηδεύμασιν ἴασθαι.  
εἰ γὰρ ἐξ ἵσου τῇ συμφορᾷ καὶ τὴν διάνοιαν ἔξω καὶ τὸν  
ἄλλον βίον διάξω, τί τούτου διοίσω;

4 Περὶ μὲν οὖν τούτων τοσαῦτά μοι εἰρήσθω· ὑπὲρ ὧν  
20 δέ μοι προσήκει λέγειν, ὡς ἀν οὗτος τ' ὃ διὰ βραχυτάτων  
ἔρω. φησὶ γὰρ ὁ κατήγορος οὐ δικαίως με λαμβάνειν  
τὸ παρὰ τῆς πόλεως ἀργύριον· καὶ γὰρ τῷ σώματι δύνα-  
σθαι καὶ οὐκ εἶναι τῶν ἀδυνάτων, καὶ τέχνην ἐπίστασθαι  
5 τοιαύτην ὥστε καὶ ἄνευ τοῦ διδομένου τούτου ζῆν. καὶ  
25 τεκμηρίους χρῆται τῆς μὲν τοῦ σώματος ῥώμης, ὅτι ἐπὶ<sup>1</sup>  
τοὺς ἵππους ἀναβαίνω, τῆς δ' ἐν τῇ τέχνῃ εὐπορίας, ὅτι  
δύναμαι συνεῖναι δυναμένοις ἀνθρώποις ἀναλίσκειν. τὴν  
μὲν οὖν ἐκ τῆς τέχνης εὐπορίαν καὶ τὸν ἄλλον τὸν ἐμὸν

clauses introduced by *εἰ μὲν* and *εἰ δέ*.  
Kühn, 577, 3 c. — ὡς ἔχθρόν με τιμω-  
ρεῖται: this would be right enough.  
See on xii. 2.

3. ἥδη τοίνυν: now therefore. —  
συμφορᾶ: of a physical misfortune,  
*cf.* xxxi. 10. — **ψυχῆς**: in its proper  
contrast to *σῶμα*. See on xxii. 20.  
— **ἐπιτηδεύμασιν**: *pursuits, studia.*  
— **ἴασθαι**: with allusion to the pro-  
verbial *μὴ κακοῖς ιῶ κακά*, Aesch. *frag.*  
349 Nauk<sup>2</sup>; *cf.* Hdt. iii. 53, Thuc.  
v. 65, Soph. *frag.* 74, *Ajax*, 362,  
Plat. *Prot.* 340 E. — **ἵσου**: to cor-  
respond to. See below, § 9. — **τὸν ἄλλον**  
**βίον**: used of his moral behaviour,

while *διάνοιαν* means his *intelligence*,  
and the two are contrasted with his  
physical disability, *συμφορᾶ*.

4. **περί**, **ὑπέρ**: synonyms, as in  
§ 21. This use of *ὑπέρ*, somewhat  
rare in the three earlier orators, be-  
comes common later; see Lutz, *Präp.*  
p. 93. — **τέχνην**: see p. 117, note 10.

5. **ἐν τῇ τέχνῃ**: denoting the  
means. *Cf.* xiii. 12, *ἀπέκτειναν* (*sc. αὐ-  
τὸν*) *ἐν τῇ προφάσει ταῦτη*, and see on  
vii. 20. Below, in *ἐκ τῆς τέχνης*, the  
point of view is rather that of cause.  
See Lutz, *Präp.* pp. 36, 38, 53. —  
**βίον**: *livelihood, living.* *Cf.* Thuc.  
i. 5, *ἥρπαζον καὶ τὸν πλεῦστον τὸν βίον*

βίον, οἷος τυγχάνει<sup>θ</sup>, πάντας ὑμᾶς οἴομαι γιγνώσκειν.  
 6 ὅμως δὲ κάγὼ διὰ βραχέων ἔρῳ. ἐμοὶ γὰρ ὁ μὲν πατὴρ  
 κατέλιπεν οὐδέν, τὴν δὲ μητέρα τελευτήσασαν πέπαυμαι  
 τρέφων τρίτον ἔτος τουτί, παιδεῖς δέ μοι οὕπω εἰσὶν οἱ με  
 θεραπεύσουσι· τέχνην δὲ κέκτημαι βραχέα δυναμένην  
 ὥφελεν, ἦν αὐτὸς μὲν ἡδη χαλεπῶς ἐργάζομαι, τὸν δια-  
 35 δεξόμενον δ' αὐτὴν οὕπω δύναμαι κτήσασθαι· πρόσοδος δέ  
 μοι οὐκ ἔστιν ἄλλη πλὴν ταύτης, ἦν ἀν ἀφέλησθέ με, κιν-  
 7 δυνεύσαιμ<sup>θ</sup> ἀν ὑπὸ τῇ δυσχερεστάτῃ γενέσθαι τύχῃ· μὴ  
 τούνν, ἐπειδή γε ἔστιν, ὥ βουλή, σῶσαι με δικαίως, ἀπο-  
 λέσητε ἀδίκως· μηδὲ ἀ νεωτέρῳ καὶ μᾶλλον ἐρρωμένῳ  
 40 ὅντι ἔδοτε, πρεσβύτερον καὶ ἀσθενέστερον γιγνόμενον  
 ἀφέλησθε· μηδὲ πρότερον καὶ περὶ τοὺς οὐδὲν ἔχοντας  
 κακὸν ἐλεημονέστατοι δοκοῦντες εἶναι νυνὶ διὰ τοῦτον

ἔντεῦθεν ἐποιούντο, Ar. Pax. 1212, ἀπά-  
 λεσάς μου τὴν τέχνην καὶ τὸν βίον. —  
 τυγχάνει: sc. ἦν, rarely (and only  
 here in Lysias) omitted. GMT. 902.

6. τρίτον ἔτος τουτί: abhinc tres  
 annos, ‘going on three years,’ i.e.  
 two years ago. On the case, see G.  
 1063; H. 721, and cf. Dem. liv. 3,  
 ἔξηλθον, ἔτος τουτὶ τρίτον, εἰς Πάνακτον.  
 The phrase belongs both to τελευτή-  
 σασαν and to πέπαυμαι. — οὕπω: a  
 jest, for (though his mother has  
 lately died) he seems to be well on in  
 years. Cf. §§ 7, 8, 16. — θεραπεύ-  
 σουσι: on the tense, cf. xvii. 16. —  
 τὸν διαδεξόμενον: for the tense, see  
 on xii. 98. A technical term. He  
 means a slave who is to ‘relieve’  
 him of the actual work of his busi-  
 ness; see Hermann, *Privatalt.* pp. 91,  
 399. — κτήσασθαι: acquire, i.e. buy,  
 cf. § 11. Note the difference in tense

from that of κέκτημαι. — ὑπὸ τῇ τύχῃ:  
 a half-personification of τύχη, on the  
 analogy of ὑπὸ τοῖς τυράννοις ἐγένοντο,  
 xxvi. 22, ὑπὸ τῷ βαρβάρῳ, xxxiii. 3;  
 see on ὑπὸ with gen. below, in § 17,  
 and for a like use with ἐπὶ, cf.  
 Antiphon v. 6, ἀπαντα γὰρ τὰ ἐν ἀδήλῳ  
 ἔτ' ὅντα ἐπὶ τῇ τύχῃ μᾶλλον ἀνάκειται ἢ  
 τῇ προνοῇ. With both prepositions the  
 use of substantives really impersonal  
 is rare in the sense of ‘in the power  
 of’; see Lutz, *Präp.* pp. 115, 179.

7. σῶσαι ... ἀδίκως: cf. xix. 54,  
 βούλεσθε ἡμᾶς δικαίως σῶσαι μᾶλλον ἢ  
 ἀδίκως ἀπολέσαι. — ἐρρωμένῳ: as adj.  
 GMT. 830. — τοὺς ... κακόν: people  
 who had nothing the matter with  
 them. — ἐλεημονέστατοι: a rare adj.;  
 cf. Isocr. xv. 20, who says that  
 the Athenians ἐλεημονεστάτους ὅμολο-  
 γεῖσθαι καὶ πραοτάτους ἀπάντων εἶναι  
 τῶν Ἑλλήνων. — δοκοῦντες: impf. in

τοὺς καὶ τοῖς ἔχθροῖς ἐλεεινοὺς ὅντας ἀγρίως ἀποδέξησθε·  
μηδ' ἐμὲ τολμήσαντες ἀδικῆσαι καὶ τοὺς ἄλλους τοὺς  
8 ὁμοίως ἐμοὶ διακειμένους ἀθυμῆσαι ποιήσητε. καὶ γὰρ  
ἄν ἄτοπον εἴη, ὡς βουλή, εἰ δὲ μὲν ἀπλῆ μοι ἦν ἡ συμ-  
φορά, τότε μὲν φαινούμην λαμβάνων τὸ ἀργύριον τοῦτο,  
νῦν δ' ἐπειδὴ καὶ γῆρας καὶ νόσοι καὶ τὰ τούτοις ἐπό-  
9 μενα κακὰ προσγίγνεται μοι, τότε ἀφαιρεθείην. δοκεῖ δέ  
50 μοι τῆς πενίας τῆς ἐμῆς τὸ μέγεθος ὁ κατήγορος ἄν ἐπι-  
δεῖξαι σαφέστατα μόνος ἀνθρώπων. εἰ γὰρ ἐγὼ κατα-  
σταθεὶς χορηγὸς τραγῳδοῖς προκαλεσαίμην αὐτὸν εἰς  
ἀντίδοσιν; δεκάκις ἄν ἐλοιτο χορηγῆσαι μᾶλλον ἢ ἀντι-

time.—ἀγρίως ἀποδέξησθε: this verb is generally used of kindly or willing receptions (*cf.* xii. 28 and xix. 6, τοὺς ἐλέγχους ἥδη ἔθελοντες ἀποδέχεσθε), but as here in Ant. iii. β. 2, δυσχερῶς ἀποδέξαμένους μοι τὴν ἀπολογίαν.—τολμήσαντες: for the meaning, see on xii. 5.

8. φαινούμην λαμβάνων: not ἔφαι-  
νόμην, for the impf. idea is in the  
participle. See on xvi. 5.—τότε  
ἀφαιρεθείην: on this emphatic use of  
τότε after νῦν, *cf.* Dinarch. i. 93, νῦν  
ἐπειδὴ . . . τηνικαῦτα, Anth. Pal. ix.  
138, νῦν δ' ὅπετε χρῆσθαι μὴ δύναμαι,  
τέτ' ξχω. See App.

9. σαφέστατα μόνος ἀνθρώπων: an exaggerated combination of the common phrase μόνος ἀνθρώπων with σαφέστατα ἀνθρώπων (for the latter *cf.* xxix. 2, οἷς ἐκείνος οἰκειότατ' ἀνθρώ-  
πων ἔχρητο); *cf.* iii. 31, ἐμίστει πάντων  
ἀνθρώπων μάλιστα. So unus and the superlative in Latin with or without omnium, as in Cic. *Prov. Consul.* 12, unus omnium nequissimus,  
*Planc.* 97, urbem unam mihi

amicissimam.—κατασταθεῖς: the pass. instead of the commoner intrans. second aor. act. (used in xxii. 1, καταστὰς δὲ χορηγός, xxvii. 3, φύλακες ὑφ' ὑμῶν καταστάντες, *cf.* xii. 48). So Antiphon vi. 11, ἐπειδὴ χορηγὸς κατε-  
στάθην, Hyperides, *Athenog.* 15. 9, ὑπ' ἐκείνου κατασταθεῖς ἀρχων. Lysias has the aor. pass. also in xiii. 35, ἐπειδὴ οἱ τριάκοντα κατεστάθησαν, but the second aor. act. in the same phrase in xii. 5; *cf.* xii. 36, 43, 55; xiii. 34; xxii. 4; xxv. 14. See App.—χορηγός: see on xii. 20. The great expense of the Choregia is in amusing contrast to the speaker's poverty.—  
ἀντίδοσιν: 'an exchange of property.' When a man was assigned a liturgy but considered that it should have been assigned to some other person, he might challenge that person to assume the liturgy or to exchange properties with him. A lawsuit followed a refusal of the challenge. On the subject, see Smith, *Dict. Antiq.* s.v.; M. and S. p. 740 f.; Gilbert, *Antiq.* p. 361 ff.—ἐξ Ισού: 'on an

δοῦναι ἄπαξ. καὶ πῶς οὐ δεινόν ἔστι νῦν μὲν κατηγορεῖν  
55 ὡς διὰ πολλὴν εὐπορίαν ἔξ ἴσου δύναμαι συνεῖναι τοῖς  
πλουσιωτάτοις, εἰ δὲ ὥν ἐγὼ λέγω τύχοι τι γενόμενον,  
ὅμοιογεῖν ἀν ἐμὲ τοιοῦτον εἶναι καὶ ἔτι πονηρότερον;

10 Περὶ δὲ τῆς ἐμῆς ἵππικῆς, ἣς οὗτος ἐτόλμησε μνησθῆ-  
ναι πρὸς ὑμᾶς, οὔτε τὴν τύχην δείσας οὔτε ὑμᾶς αἰσχυν-  
60 θείς, οὐ πολὺς ὁ λόγος. ἐγὼ γὰρ οἶμαι, ὡς βουλή, πάντας  
τοὺς ἔχοντάς τι δυστύχημα τοῦτο ζητεῖν καὶ τοῦτο φιλο-  
σοφεῖν, ὅπως ὡς ἀλυπότατα μεταχειριοῦνται τὸ συμβε-  
βηκὸς πάθος. ὧν εἴς ἐγώ, καὶ περιπεπτωκώς τοιαύτη  
συμφορᾷ ταύτην ἐμαυτῷ ῥαστώνην ἐξηνύρον εἰς τὰς ὁδοὺς  
11 τὰς μακροτέρας τῶν ἀναγκαίων. ὁ δὲ μέγιστον, ὡς βουλή,  
τεκμήριον ὅτι διὰ τὴν συμφορὰν ἀλλ' οὐ διὰ τὴν ὕβριν,  
ώς οὐτός φησιν, ἐπὶ τοὺς ἵππους ἀναβαίνω· εἰ γὰρ  
ἐκεκτήμην οὐσίαν, ἐπ' ἀστράβης ἀν ὠχούμην, ἀλλ'

equality with'; cf. § 3. — εἰ δὲ ... πονηρότερον: the thought is, 'should an ἀντίδοσις be proposed, he would admit that I am as poor (*τοιωτόν*) as I profess to be, or even wretcheder still.' For πονηρός in this sense, cf. Isaeus, I. 12, τελευτήσαντος γὰρ Δεινίου καὶ τῶν πραγμάτων ἡμῖν πονηρῶς ἔχοντων, and And. I. 118.

10. *ἵππικῆς*: (sc. *τέχνης*), *horse-manship*, purposely used with a satirical turn, meaning a little more than mere 'riding.' Xenophon wrote a book *Περὶ Ἰππικῆς*. — *τύχην*: fortune am, cf. [Isocr.] I. 29, κοινὴ γὰρ ἡ τύχη καὶ τὸ μέλλον ἀδράτον, and see on § 22. — *δείσας*, *αἰσχυνθεὶς*: cf. xxxii. 13. — *φιλοσοφεῖν*: this word, though purposely affected in the mouth of the cripple, did not yet signify speculative thought, but

meant to make a thing one's study; cf. Isocr. xv. 121, τοῦτ' ἐφιλοσόφει καὶ τοῦτ' ἐπραττεν, ὅπως μηδεμίᾳ τῶν πολέων αὐτὸν φοβήσεται, iv. 6, σκοπεῖν καὶ φιλοσοφεῖν τοῦτον τὸν λόγον (*theme*). See Jebb, *Attic Orators*, II, p. 37. — ὧν εἰς ἐγώ: the emphasis on ἐγώ is such that εἰμι is omitted; cf. Plat. *Euthyd.* 304 C, φιλήκος μὲν ἔγωγε καὶ ἡδέως ἀν τι μανθάνομι, though the emphasis there is secondary. On such omissions, see Kr. *Spr.* 62, 1, 5. — *ταύτην*: for the gender, see on xii. 37. — *τῶν ἀναγκαίων*: partitive genitive. See App.

11. ὁ δὲ μέγιστον κτλ.: introductory rel. phrase, cf. xxxii. 24. — *ἀστράβης*: a padded saddle with a back, almost a chair, used by invalids, women, or, as in Dem. xxii. 133, effeminate men. It was placed on mules, whence Har-

οὐκ ἐπὶ τοὺς ἀλλοτρίους ἵππους ἀνέβαινον· νυνὶ δὲ τὸ ἐπειδὴ τοιοῦτον οὐ δύναμαι κτήσασθαι, τοῖς ἀλλοτρίοις  
 12 ἵπποις ἀναγκάζομαι χρῆσθαι πολλάκις. καίτοι πῶς οὐκ ἄτοπόν ἐστιν, ὡς βουλή, τοῦτον ἄν αὐτόν, εἰ μὲν ἐπ’ ἀστράβης ὁχούμενον ἔώρα με, σιωπᾶν — τί γὰρ ἄν καὶ ἔλεγεν; — ὅτι δὲ ἐπὶ τοὺς ἥτημένους ἵππους ἀναβαίνω, πειτεὶς ρᾶσθαι πείθειν ὑμᾶς ὡς δυνατός εἰμι; καὶ ὅτι μὲν δυοῖν βακτηρίαιν χρῶμαι, τῶν ἄλλων μιᾶς χρωμένων, μὴ κατηγορεῖν ὡς καὶ τοῦτο τῶν δυναμένων ἐστίν, ὅτι δὲ ἐπὶ τοὺς ἵππους ἀναβαίνω, τεκμηρίως χρῆσθαι πρὸς ὑμᾶς ὡς εἰμὶ τῶν δυναμένων; οἶς ἐγὼ διὰ τὴν αὐτὴν αἰτίαν ἀμφοτέροις  
 80 χρῶμαι.

13 Τοσοῦτον δὲ διενήνοχεν ἀναισχυντίᾳ τῶν ἀπάντων ἀνθρώπων, ὥστε ὑμᾶς πειράται πείθειν, τοσούτους ὄντας εἴς ὃν, ὡς οὐκ εἰμὶ τῶν ἀδυνάτων ἐγώ. καίτοι εἰ τοῦτο πείσει τινὰς ὑμῶν, ὡς βουλή, τί με κωλύει κληροῦσθαι τῶν

poētration and others say that the word came to mean mule. See Göll's edition of Becker's *Charicles*, II, p. 14. and Hermann, *Privatalt.* p. 481. — **ἵππους**: the speaker could not have been very badly disabled, for the horse was ridden without saddle or stirrups. — **ἀνέβαινον**: *ἄν* is understood; see on xvi. 8.

12. **τί γὰρ ἄν καὶ**: for the force of *καὶ*, see on xii. 29, and cf. § 23, below. — **ἥτημένους**: borrowed. Cf. xix. 27, χαλκώματα . . . αἰτησάμενος ἐχρήσατο, Xen. *Anab.* v. 1. 11, αἰτησάμενοι παρὰ Τραπεζούντιων μακρὰ πλοῦα. — **τῶν δυναμένων**: for the meaning, see on xxxii. 23. The gen. is possessive. G. 1094, 1; see on xii. 41. — **ἀμφοτέροις**: i.e. horses and sticks.

13. **τοσούτους . . . ὃν**: for the phrase, see on xxxi. 31. — **εἰ τοῦτο πείσει**: if he is going to persuade, not a future condition. See G. 1391; H. 893 c; GMT. 407; and cf. Xen. *Anab.* i. 3. 16, εἰ δὲ καὶ τῷ ἡγεμόνι πιστεύσομεν . . . τί κωλύει καὶ τὰ ἄκρα ἡμῖν κελεύει Κύρον προκαταλαβεῖν; — **κληροῦσθαι τῶν ἐννέα ἀρχόντων**: although, by the letter of the law, members of the fourth Solonian class of citizens (the Thetes) were not eligible to the archonship, yet in practice at this period the law was evaded. Cf. Arist. *Resp. Ath.* 7. 3; 26. 2; and see Gilbert, *Antiq.* pp. 153, 157. Hence the cripple was debarred only by his physical condition. One who was not ὀλόκληρος (physically perfect) could

85 ἐννέα ἀρχόντων, καὶ ὑμᾶς ἐμοῦ μὲν ἀφελέσθαι τὸν ὁβολὸν  
ώς ὑγιαινούντος, τούτῳ δὲ ψηφίσασθαι πάντας ὡς ἀνα-  
πήρῳ; οὐ γὰρ δῆπου τὸν αὐτὸν ὑμεῖς μὲν ὡς δυνάμενον  
ἀφαιρήσεσθε τὸ διδόμενον, οἱ δὲ θεσμοθέται ὡς ἀδύνατον

14 ὅντα κληροῦσθαι κωλύσουσιν. ἀλλὰ γὰρ οὔτε ὑμεῖς  
90 τούτῳ τὴν αὐτὴν ἔχετε γνώμην, οὐθ' οὗτος . . . εὖ ποιῶν.  
ὅ μὲν γὰρ ὥσπερ ἐπικλήρου τῆς συμφορᾶς οὕσης ἀμφισ-  
βητήσων ἥκει καὶ πειράται πείθειν ὑμᾶς ὡς οὐκ εἰμὶ του-  
οῦτος οἶνον ὑμεῖς ὄρατε πάντες· ὑμεῖς δὲ (ὅ των εὖ φρο-  
νούντων ἔργον ἔστι) μᾶλλον πιστεύετε τοῖς ὑμετέροις αὐ-  
95 τῶν ὁδθαλμοῖς ἢ τοῖς τούτου λόγοις.

15. Λέγει δ' ὡς ὑβριστής εἴμι καὶ βίαιος καὶ λίαν ἀσελ-  
γώς διακείμενος, ὥσπερ, εἰ φοβερῶς ὀνομάσειε, μέλλων  
ἀληθῆ λέγειν, ἀλλ' οὐκ, ἀν πάνυ πραόνως, ταῦτα ποιήσων.  
Ἔγὼ δ' ὑμᾶς, ὥς βουλή, σαφῶς οἷμαι δεῖν διαγιγνώσκειν  
100 οἷς τ' ἔγχωρεῖ τῶν ἀνθρώπων ὑβρισταῖς εἶναι καὶ οἷς οὐ

not perform the religious functions of the office. See M. and S. p. 240; Boeckh, *Staatsk.* I, p. 593. For the use of *κληροῦσθαι*, see on xxxi. 33; and for the gen., see on xxxii. 5. — **ἀφελέσθαι** and **ἀφαιρήσεσθε**: for the different constructions following them, see on xxxi. 19. — **θεσμοθέται**: these had charge of the drawing of the lots for the choice of magistrates; cf. Aeschin. III. 13.

14. **ἀλλὰ γάρ**: see on XII. 99. — **εὖ ποιῶν**: on the lacuna, see App. — **ὥσπερ ἐπικλήρου**: when there were no sons, a man's daughter was called *ἐπικλήρος* and went with the inheritance. To keep this in the family (see on xxxii. 4), the nearest relative was entitled to marry her, and, to

make this possible, even marriages made before she became an *ἐπικλήρος* might be annulled. Many lawsuits arose from such cases. On the subject, see M. and S. p. 614 ff.; Smith, *Dict. Antiq.* s.v. *Epiclerus*. Hence the cripple jestingly speaks of his *συμφορά* as an *ἐπικλήρος*, dowered as it is with his allowance. — **ἀμφισβητήσων**: the regular word used of claims to property or to an heiress.

15. **λίαν**: a rather rare adv., but occurring four times in this speech (§§ 16, 21, 25). — **φοβερῶς ὀνομάσειε**: 'call me dreadful names,' i.e. *ὑβριστής*, *βίαιος κτλ.* — **πραόνως**: (as if from a *πραόνως*), used also in Ar. *Ran.* 856, for the usual *πράως*. — **ταῦτα ποιήσων**: i.e. *ἀληθῆ λέξων*.

**16 προσήκει.** οὐ γὰρ τὸν πενομένους καὶ λίαν ἀπόρως διακειμένους ὑβρίζειν εἰκός, ἀλλὰ τὸν πολλῷ πλείω τῶν ἀναγκαίων κεκτημένους· οὐδὲ τὸν ἀδυνάτους τοὺς σώμασιν ὄντας, ἀλλὰ τὸν μάλιστα πιστεύοντας ταῖς αὕτῶν 105 ῥώμαις· οὐδὲ τὸν ἥδη προβεβηκότας τῇ ἡλικίᾳ, ἀλλὰ 17 τὸν ἔτι νέους καὶ νέαις ταῖς διανοίαις χρωμένους. οἱ μὲν γὰρ πλούσιοι τοὺς χρήμασιν ἔξωνοῦνται τὸν κινδύνους, οἱ δὲ πένητες ὑπὸ τῆς παρούσης ἀπορίας σωφρονεῖν ἀναγκάζονται· καὶ οἱ μὲν νέοι συγγνώμης ἀξιοῦνται τυγχάνειν παρὰ τῶν πρεσβυτέρων, τοὺς δὲ πρεσβυτέρους 110 18 ἔξαμαρτάνουσιν ὁμοίως ἐπιτιμῶσιν ἀμφότεροι· καὶ τοῖς μὲν ἰσχυροῖς ἐγχωρεῖ μηδὲν αὐτοῖς πάσχουσιν οὖς ἀν βουληθῶσιν ὑβρίζειν, τοῖς δὲ ἀσθενεστιν οὐκ ἔστιν οὔτε ὑβριζομένοις ἀμύνεσθαι τὸν ὑπάρξαντας οὔτε ὑβρίζειν 115 βουλομένοις περιγίγνεσθαι τῶν ἀδικουμένων. ὥστε μοι δοκεῖ ὁ κατήγορος εἰπεῖν περὶ τῆς ἐμῆς ὑβρεως οὐ σπουδάζων, ἀλλὰ παίζων, οὐδ' ὑμᾶς πεῖσαι βουλόμενος ὡς εἴμι τοιοῦτος, ἀλλ' ἐμὲ κωμῳδεῖν βουλόμενος, ὥσπερ τι καλὸν ποιῶν.

16. For the commonplaces of this section, cf. Arist. *Rhet.* II. p. 1878 b, 28, *οἱ νέοι καὶ οἱ πλούσιοι ὑβρισταί· ὑπερέχειν γὰρ οἶνται ὑβρίζοντες*, and Ar. *Plut.* 564, where Πενία says: *κοσμότης οἰκεῖ μετ' ἐμοῦ, τοῦ πλούτου δ' ἔστιν ὑβρίζειν.* — Note the unusual (for Lysias) number of antitheses.

17. **ἔξωνοῦνται τὸν κινδύνους:** sc. by compromising with or bribing persons whom they have wronged; cf. xxvii. 6, *μέρει τῶν ἀδικημάτων* ('of their ill-gotten gains') *τὸν κίνδυνον ἔξεπειλαντο.* — **ὑπὸ τῆς ἀπορίας:** see on § 6, and XII. 3. — **ἀμφότεροι:** i.e. young and old.

18. **τὸν ὑπάρξαντας:** frequently used absolutely of the person who gives the provocation, as in Isoe. XVI. 44, *οὐδ' ἀμυνόμενος ἀλλ' ὑπάρχων* (*ultrō*) *ἡδίκεις αὐτοῖς*, [Dem.] LIX. 15, *τιμωρεῖσθαι τὸν ὑπάρξαντα*, Menander, *frag.* 358 Kock, *ὡς οὐχ ὑπάρχων, ἀλλὰ τιμωρούμενος*, but also with a genitive as [Dem.] LIX. 1, *τῇς ἔχθρας πρότερος οὗτος ὑπῆρξεν.* So the simple verb; cf. Lys. IV. II, *εἰ οὗτος ἦρχε χειρῶν ἀδίκων ἦ ἐγώ πρότερος τοῦτον ἐπάταξα* and *τὸν ἀρξαντα τῇς πληγῆς* with *οἱ ἀρχοντες* in Ant. IV. B. 2. — **τῶν ἀδικουμένων:** 'their victims.' — **βουλόμενος:** for its repetition, see on XVI.

19 Ἔτι δὲ καὶ συλλέγεσθαι φησιν ἀνθρώπους ὡς ἐμὲ πονηροὺς καὶ πολλούς, οἱ τὰ μὲν ἔαυτῶν ἀνηλώκασι, τοῖς δὲ τὰ σφέτερα σώζειν βουλομένοις ἐπιβουλεύοντιν. ὑμεῖς δὲ ἐνθυμήθητε πάντες ὅτι ταῦτα λέγων οὐδὲν ἐμοῦ κατηγορεῖ μᾶλλον ἢ τῶν ἄλλων ὅσοι τέχνας ἔχουσιν, οὐδὲ τῶν 125 ὡς ἐμὲ εἰσιόντων μᾶλλον ἢ τῶν ὡς τοὺς ἄλλους δημιουργούς. ἕκαστος γὰρ ὑμῶν εἴθισται προσφοιτᾶν ὃ μὲν πρὸς μυρόπωλιν, ὃ δὲ πρὸς κουρεῖν, ὃ δὲ πρὸς σκυτοτομεῖν, ὃ δ' ὅποι ἀν τύχῃ, καὶ πλεῖστοι μὲν ὡς τοὺς ἔγγυτάτω τῆς ἀγορᾶς κατεσκευασμένους, ἐλάχιστοι δὲ ὡς 130 τοὺς πλεῖστον ἀπέχοντας αὐτῆς· ὥστ' εἴ τις ὑμῶν πονηρίαν καταγνώσεται τῶν ὡς ἐμὲ εἰσιόντων, δῆλον ὅτι καὶ τῶν παρὰ τοῖς ἄλλοις διατριβόντων· εἰ δὲ κάκείνων, ἀπάντων Ἀθηναίων· ἄπαντες γὰρ εἴθισθε προσφοιτᾶν καὶ διατρίβειν ἀμονγέπου.

13.—*ῶσπερ . . . ποιῶν*: *doing a fine thing, as it were.* See App. to XII. 7. In connexion with *κωμῳδεῖν*, however, *ποιῶν* possibly means *composing*.

19. *συλλέγεσθαι*: of course, as Rauchenstein remarks, the accuser had not objected to the men, but to their character, and the stress would be on *πονηρούς*, not on *συλλέγεσθαι* or *πολλούς*. The defence, however, very neatly pretends to misunderstand the charge and reverses the emphasis by putting *συλλέγεσθαι* first and *πολλούς* after instead of, as usual, before the other adjective. Thus the accuser is made to blame the habits of all Athens. On these habits and on the shops mentioned in the next section, see p. 107.

20. *ὅποι ἀν τύχῃ*: sc. *προσφοιτῶν*. See on XII. 18.—*κατεσκευασμένους*:

properly the verb means *fit up*, as *πρῶτον μὲν διδασκαλεῖον* (for a chorus) ἢ ἦν ἐπιτηδειότατον τῆς ἐμῆς οἰκλας κατεσκευαστα, Antiphon VI. 11; in the middle, *set up shop, open a business*, *κατασκευάζομαι τέχνην μυρεψικήν· ἀφορμῆς* (see on § 24) δὲ δέομαι, Lys. frag. I. 2, also with *τὴν τράπεζαν*, Isaeus, frag. 15. 3, and *κατεσκευασμένος λαμπρότατον λατρεῖον*, Antiphanes, frag. 208 Kock; used absolutely as here (though not of shopkeeping), Thuc. II. 17. 3, *κατεσκευάσαντο δὲ καὶ ἐν τοῖς πύργοις τῶν τεχνῶν πολλοί* (sc. of the Athenians crowded into the city during the Peloponnesian war).—*καταγνώσεται*: for the acc. and the gen., see G. 1128; H. 752 a.—*πάντων Ἀθηναίων*: without the article, see on XVI. 15.—*ἀμονγέπου*: i.e. *ἀμοῦν γέ που, somewhere or*

21 Ἀλλὰ γάρ οὐκ οἶδ' ὁ τι δεῖ λίαν με ἀκριβῶς ἀπολογούμενον πρὸς ἐν ἔκαστον ὑμῖν τῶν εἰρημένων ἐνοχλεῖν πλείω χρόνον.. εἰ γάρ ὑπὲρ τῶν μεγίστων εἴρηκα, τί δεῖ περὶ τῶν ὅμοίως τούτῳ φαύλων σπουδάζειν; ἐγὼ δ' ὑμῶν, ὡς βουλή, δέομαι πάντων τὴν αὐτὴν ἔχειν περὶ ἐμοῦ διάνοιαν, ἥνπερ καὶ πρότερον.. μηδ' οὖν μόνου μεταλαβεῖν ἔδωκεν ἡ τύχη μοι τῶν ἐν τῇ πατρίδι, τούτου διὰ τοντονὶ ἀποστερήσητέ με· μηδ' ἂ πάλαι κοινῆ πάντες ἔδοτέ μοι, νῦν οὗτος εἴς ὧν πείση πάλιν ὑμᾶς ἀφελέσθαι. ἐπειδὴ γάρ, ὡς βουλή, τῶν μεγίστων ἀρχῶν ὁ δαίμων ἀπεστέρησεν ἡμᾶς, ἡ πόλις ἡμῖν ἐψηφίσατο τοῦτο τὸ ἀργύριον, ἡγουμένη κουνὰς εἶναι τὰς τύχας τοῖς ἄπασι καὶ τῶν 23 κακῶν καὶ τῶν ἀγαθῶν. πῶς οὖν οὐκ ἀν δειλαιότατος εἴην, εἰ τῶν μὲν καλλίστων καὶ μεγίστων διὰ τὴν συμφορὰν ἀπεστερημένος εἴην, ἀ δ' ἡ πόλις ἔδωκε προνοηθεῖσα 150 τῶν οὕτως διακειμένων διὰ τὸν κατήγορον ἀφαιρεθείην;

*other.* The nom. *ἀμός* is cited by ancient grammarians as Doric for *τὶς*, and the stem appears in *οὐδαμοῦ*, *οὐδαμοῦ*. Though *ἀμογέπον* occurs elsewhere only in Schol. Plat. *Soph.* 259 D, we find *ἀμωσγέπως*, Lys. *xiii.* 7, *ἀμηγέπη*, Plat. *Rep.* 474 C, Ar. *Ach.* 608, *ἀμόθεν γέ ποθεν*, Plat. *Gorg.* 492 D. See Bl.-Kühn. *Gr.* I, p. 614.

21. **ἀλλὰ γάρ**: see on *xii.* 99. — **ὑμῖν**: belongs to *ἐνοχλεῖν*, a hyperbaton as in § 27. See on *xii.* 94. — **ἥπερ** and **περὶ**: see on § 4. — **μεγίστων**: i.e. his infirmity and poverty. — **τῶν ὅμοίως τούτῳ φαύλων**: the point of the gibe lies in the double sense of *φαῦλος*, as in our *common, mean, slight*; cf. Shakespeare's 'Away, slight man!'

22. **οὖν μόνου**: partitive gen. with *μεταλαβεῖν*. The relative clause here precedes the antecedent; see on *xii.* 43. — **πάντες . . . εἰς ὄν**: see on *xxxii.* 31. — **ὁ δαίμων**: for the relation between *δαίμων* and *τύχη*, cf. Dem. *xviii.* 208, *τῇ τύχῃ δ'*, *ἡν δ δαίμων ἐνειμεν ἐκάστοις, ταῦτη κέχρηνται*, and Eur. *Med.* 671, *ἄπαιδες ἐσμεν δαίμονες τινος τύχῃ*. Thus Lysias here employs the words; cf. also *xiii.* 63, *ἡ δὲ τύχη καὶ δ δαίμων περιεπολησε,* and [Lys.] *ii.* 78, *δ δαίμων δ τὴν ἡμετέραν μοίραν εἰληχώς ἀπαραιτητος.* — **ἡμᾶς**: not equiv. to *ἐμέ*, for he now speaks of the whole class of *ἀδύνατοι*. **κουνὰς κτλ.**: see on § 10.

23. **δειλαιότατος**: the use of this generally poetic word increases the

μηδαμῶς, ὡς βουλή, ταύτη θῆσθε τὴν ψῆφον. διὰ τί γὰρ

24 ἀν καὶ τύχοιμι τοιούτων ὑμῶν; πότερον ὅτι δι' ἐμέ τις εἰς  
ἀγῶνα πώποτε καταστὰς ἀπώλεσε τὴν οὐσίαν; ἀλλ' οὐδ'  
ἀν εἰς ἀποδείξειεν: ἀλλ' ὅτι πολυπράγμων εἰμὶ καὶ θρα-  
155 σὺς καὶ φιλαπεχθήμων; ἀλλ' οὐ τοιαύταις ἀφορμαῖς  
25 τοῦ βίου τυγχάνω χρώμενος. ἀλλ' ὅτι λίαν ὑβριστὴς  
καὶ βίαιος; ἀλλ' οὐδ' ἀν αὐτὸς φήσειεν, εἰ μὴ βούλοιτο  
καὶ τοῦτο ψεύδεσθαι τοῖς ἄλλοις ὄμοιώσ. ἀλλ' ὅτι ἐπὶ  
τῶν τριάκοντα γενόμενος ἐν δυνάμει κακῶς ἐποίησα πολ-  
160 λοὺς τῶν πολιτῶν; ἀλλὰ μετὰ τοῦ ὑμετέρου πλήθους  
ἔφυγον εἰς Χαλκίδα, καὶ ἔξόν μοι μετ' ἐκείνων ἀδεῶς  
26 πολιτεύεσθαι μεθ' ὑμῶν εἰλόμην κινδυνεύειν ἀπάντων. μὴ  
τοίνυν, ὡς βουλή, μηδὲν ἡμαρτηκὼς ὄμοιῶν ὑμῶν τύχοιμι

parody of pathos. Cf. Aeschin. I. 172, ἔκκοπτεις ὁ δεῖλας ἀμφοτέρους τοὺς ὄφθαλμοὺς καὶ τὴν γλῶτταν ἀποτυπθεῖς. — **ταύτῃ** κτλ.: cf. Isaeus, VIII. 46, ὃ δίκαιον ἔστι, ταύτη τὴν ψῆφον τίθεσθε. **τύχοιμι . . . ὑμῶν**: cf. XVIII. 23, οἱων ὑμῶν ἐν τοῖς κινδύνοις τενχονται, and And. III. 21, ποίων τινῶν Λακεδαιμονίων τυγχάνοντας;

**24. πότερον, ἀλλά, ἀλλά:** a favourite formula in abrupt questions, cf. XXXI. 24; for ἀλλά, see on XII. 40. — **οὐδ' ἀν εἰς:** see on XXXI. 30. — **πολυπράγμων:** the regular word applied to a *busybody*. — **ἀφορμαῖς τοῦ βίου:** ‘condition in life,’ referring to his description in § 16. *ἀφορμή*, *starting point*, as a military term means ‘base of operations,’ Thuc. I. 90. 2, *τὴν τε Πελοπόννησον πᾶσιν ἔφασαν ἴκανήν εἶναι . . . ἀφορμήν*, and in business ‘capital,’ cf. Lys. frag. I. 2 (quoted on § 20), Dem. XLV. 5, *τὰ χρήματα . . . ἀ τῆς*

τραπέζης εἶχεν ἀφορμήν, but it is also used in a more general sense, as here, in Dem. XXI. 137, *τὴν βίαν καὶ τὴν φιλοπραγμοσύνην ὀρῶντας τὴν τούτου καὶ τὴν ἀφορμήν, ἥπερ ἵσχυρὸν ποιεῖ καὶ φοβερὸν τὸν κατάπτυστον τουτού*.

**25. γενόμενος ἐν δυνάμει:** see on VII. 27. — **πλήθους:** see on XII. 42. — **εἰς Χαλκίδα:** in Euboea. For the facts, see on XII. 95. — **ἀπάντων:** an exaggeration of the facts like that in XII. 53; cf. XIII. 47, *συλλήβδην ἀπαντεῖς ὑπὸ τῶν τριάκοντα ἐκ τῆς πατρίδος ἔξηλαθητε*. See App.

**26. ὄμοιῶν τοῖς πολλὰ ἡδικηκόστιν:** =οἱων ὑμῶν τυγχάνοντιν οἱ πόλλα ἡδικηκότες. For a similar brachylogy (H. 1058), cf. Xen. Oec. XIII. 11, *ἀθυμία (sc. δοκεῖ) ἐγγίγνεσθαι τοῖς ἀγαθοῖς, θταν ὀρῶσι . . . τῶν ὄμοιων τυγχάνοντας έαντοῖς τοὺς μήτε πονεῖν μήτε κινδυνεύειν έθέλοντας*, and so with *ἴσος*, ibid. 12, *οὐδὲ* διπλωσιῶν τῶν *ἴσων* ἀξιῶ τὸν ἀμείνους τοῖς κακίοσι τυγχάνειν. See Kühn.

τοῖς πολλὰ ἡδικηκόσιν, ἀλλὰ τὴν αὐτὴν ψῆφον θέσθε περὶ  
 165 ἐμοῦ ταῖς ἄλλαις βουλαῖς, ἀναμνησθέντες ὅτι οὗτε χρή-  
 ματα διαχειρίστας τῆς πόλεως δίδωμι λόγον αὐτῶν, οὗτε  
 ἀρχὴν ἄρξας οὐδεμίαν εὐθύνας ὑπέχω νῦν αὐτῆς, ἀλλὰ  
 170 περὶ ὄβολοῦ μόνον ποιοῦμαι τοὺς λόγους. καὶ οὕτως  
 ὑμεῖς μὲν τὰ δίκαια γνώσεσθε πάντες, ἔγῳ δὲ τούτων ὑμῖν  
 τυχὼν ἔξω τὴν χάριν, οὗτος δὲ τοῦ λοιποῦ μαθήσεται μὴ  
 τοῖς ἀσθενεστέροις ἐπιβουλεύειν ἀλλὰ τῶν δομοίων αὐτῷ  
 περιγίγνεσθαι.

§ 543, 3, Anm., Kr. Spr. 48, 13, 9. —  
 ταῖς ἄλλαις βουλαῖς: on the facts see  
 p. 117. — εὐθύνας: see Introd. § 7. —  
 περὶ ὄβολοῦ μόνον: a really pathetic  
 note is struck here, in strong contrast

to the general tone of this speech. —  
 ποιοῦμαι τοὺς λόγους: see on XII. 2.

27. τούτων: refers to δίκαια. —  
 ὑμῖν: for the hyperbaton, see on  
 § 21.

## AGAINST PHILON.

### INTRODUCTION.

THE speeches *For Mantitheus* and *Against Philon* are counterparts. Each was delivered at the δοκιμασία<sup>1</sup> of a senator, but in the former a candidate defends himself, in the latter a candidate is attacked. Philon, a citizen of the deme Acharnae,<sup>2</sup> a man unknown to us except from what we learn of him here, had played a contemptible part during the time of the Thirty. He was forced, like others, to leave the city, but, far from joining or assisting the patriots under Thrasybulus, he went across the boundary into Boeotia, and, setting his private interests above his country's good,<sup>3</sup> lived the life of a freebooter, preying upon his weaker countrymen. After the fall of the Tyrants he returned to Athens and was chosen by lot to the Senate.<sup>4</sup> At his δοκιμασία, a member of the outgoing Senate<sup>5</sup> accused him in the present oration.

After an introduction<sup>6</sup> designed to show that no private grudge, but simply his respect for the senatorial oath, brings him forward against Philon, the speaker gives his definition of what a good senator ought to be,<sup>7</sup> and then shows, by way of strong contrast, what the accused really is. During the year of anarchy, he says, Philon sided with neither party,<sup>8</sup> but got together all his property

<sup>1</sup> On this subject in general, see Introd. § 8.

<sup>2</sup> § 16.

<sup>3</sup> § 17.

<sup>4</sup> § 33.

<sup>5</sup> See p. 74.

<sup>6</sup> §§ 1-4.

<sup>7</sup> §§ 5-7.

<sup>8</sup> No allusion whatever is made in this speech (*cf.* § 27 f.) to the traditional 'law' of Solon, which is said to have required every citizen to adopt the one side or the other in a civil dis-

turbance. If this was ever a real law, and not merely a doctrine or ideal principle, evidently it was obsolete in the time of Lysias, else reference to it would have been made in this speech. The 'law' appears first in Arist. *Resp.* *Ath.* 8.5; *cf.* also Plut. *Solon*, 20, *Moral.* p. 550 B, 823 F; Cic. *Att.* x. 1. 2; Gell. II. 12. On the subject, see Lüders, in *Jahrb.* XCVII, p. 54.

and went to live in Oropus.<sup>9</sup> Without the excuse, which others had, of physical disability or of poverty, he held himself aloof, showed no interest in the contest, and contributed neither arms nor money to the patriots, as so many others had done.<sup>10</sup> Far from such thoughts, his mind was set only on his own personal profit, and he seems to have behaved like a perfect pirate, organizing raids against those helpless citizens whose age prevented them from leaving their country homes or from defending themselves.<sup>11</sup> Worse than all the rest, his character was so notorious in his own family that his very mother did not dare to trust him with the money for her burial.<sup>12</sup> There is no ground whatever for giving him the senatorship,—on the contrary, he deserves punishment, not reward.<sup>13</sup> As for his claim that there was no law forbidding citizens to leave the scene of action at a crisis, this very fact is one of the heaviest counts against him. There was no law because nobody had ever imagined that an Athenian could be guilty of such vile desertion. The very metics lent a hand in the hour of peril, and they were rewarded for their devotion. Shall not this wretch suffer — if nothing worse — the disgrace of exclusion from the Senate?<sup>14</sup> His whole record shows him unfit for the post, and those who are now his advocates never thought of asking his aid when the State was really in need.<sup>15</sup> He himself can never complain of his rejection by a body whose corporate existence he never lifted a finger to save.<sup>16</sup> This rejection, concludes the speaker, is assured in advance by the essential difference between the unheard-of baseness of Philon and the high character of the men who are his judges.<sup>17</sup>

This speech is not lacking in fire and force, and it gives us a lifelike picture of a man of despicable character.<sup>18</sup> Yet it

<sup>9</sup> § 8–9.

<sup>10</sup> §§ 10–16.

<sup>18</sup> Dante would have put him among

<sup>11</sup> §§ 17–19.

<sup>12</sup> §§ 20–23.

the ‘accidious,’ with those caitiff angels

<sup>18</sup> §§ 24–26.

<sup>14</sup> §§ 27–30.

Che non furon ribelli

<sup>15</sup> §§ 31–32.

<sup>16</sup> § 33.

Nè fur fedeli a Dio, ma per sè foro.

<sup>17</sup> § 34. In the foregoing summary I have followed chiefly Blass, *Att. Beret.* I, p. 481 ff.

*L'Inferno*, III, 38.

is somewhat more rhetorical in parts than is usual with the works of Lysias.<sup>19</sup> This may be because it deals so much with a question of high principle, affecting the national life, rather than with the individuality of one man, whether the speaker or the accused. But there is no overcolouring, and the orator never allows himself to go too far. All his statements are carefully supported by witnesses. And at the very climax of his passion (§§ 27–29), where there was danger that his audience would feel that he was proving too much, the ideal of moderation prevails and the accuser, instead of allowing himself to call for exile or capital punishment of this traitor, returns to the actual case in hand and asks merely that Philon be rejected.<sup>20</sup> In this oration, therefore, Lysias again shows himself a master of the principle of suiting the speech to the speaker. The accuser, actuated by no personal enmity against the accused, should not exhibit bitterness; still, aside from his senatorial rank, the very fact that he came forward voluntarily would lead his hearers, in spite of his protestation of inexperience,<sup>21</sup> to expect from him a speech that was, in its artistic construction, something beyond the common.

We have nothing upon which to base an exact date for the delivery of the speech. Blass sets it at about 398 b.c., Weidner a little earlier.

<sup>19</sup> E.g., Paronomasia, §§ 9, 11, 17, 24, 26, 32. Gnomic thoughts, §§ 6, 11. Antithesis, §§ 2, 28. Hypophora, § 24 f. Parallelism, § 17. It is noticeable also that the articular infinitive is used eleven times in this speech, out of

but thirty-six occurrences in the whole of Lysias; see Birklein, *Entwickel. der subst. Infin.* p. 60.

<sup>20</sup> See Rauchenstein's introduction.

<sup>21</sup> § 2; see Blass, *ibid.* p. 484.

## ΚΑΤΑ ΦΙΛΩΝΟΣ ΔΟΚΙΜΑΣΙΑΣ.

1   ”Οιμην μέν, ὁ βουλή, οὐκ ἂν ποτ’ εἰς τοῦτο τόλμης Φίλωνα ἀφικέσθαι, ὥστε ἐθελῆσαι εἰς ὑμᾶς ἐλθεῖν δοκιμασθησόμενον· ἐπειδὴ δὲ οὐχ ἐν τι μόνον ἀλλὰ πολλὰ τολμηρός ἐστιν, ἐγὼ δὲ ὅμόσας εἰσῆλθον εἰς τὸ βουλευτήριον τὰ βέλτιστα βουλεύσειν τῇ πόλει, ἐνεστί τε ἐν τῷ ὄρκῳ ἀποφανεῖν εἴ τις τινα οὖδε τῶν λαχόντων ἀνεπιτήδειον ὄντα βουλεύειν, ἐγὼ τὴν κατὰ τουτοὺς Φίλωνος ποιήσομαι κατηγορίαν, οὐ μέντοι γε ίδιαν ἔχθραν οὐδεμίαν μεταπορευόμενος, οὐδὲ τῷ δύνασθαι καὶ εἰωθέναι λέγειν 10 ἐν ὑμῖν ἐπαρθείς, ἀλλὰ τῷ πλήθει τῶν ἀμαρτημάτων αὐτοῦ πιστεύων καὶ τοῖς ὄρκοις οἷς ὕμοσα ἐμμένειν ἀξιῶν.

1. φῶμην μέν: ‘until now I believed’; so begins Isaetus vii. 1. Cf. Lys. vii. 1. — έθελησαι: ‘bring himself,’ see on xii. 58. — εἰς ὑμᾶς: cf. xxxii. 1. — ὅμόσας: the oath of office of a senator is meant; cf. [Dem.] l ix. 4, δώμασκώς δὲ τὰ βέλτιστα βουλεύσειν τῷ δῆμῳ τῷ Ἀθηναίων, Xen. Mem. i. 1. 17, τὸν βουλευτικὸν ὄρκον δύσσας, ἐν φῶ ἦν κατὰ τοὺς νόμους βουλεύσειν. — τὰ βέλτιστα βουλεύσειν: cf. § 31 and xxx. 10, Κλεοφῶν τὴν βουλὴν ἐλοιδόρει, φάσκων συνεστάναι καὶ οὐ τὰ βέλτιστα βουλεύειν τῇ πόλει.

2. ἐνεστί τε: for the simple τε used to connect clauses, cf. xxiii. 3, xxxii.

i, 22. — ἀποφανεῖν: preserving the tense of the oath, cf. Xen. quoted above. — τῶν λαχόντων: sc. τῷ κυάμῳ, and see on § 33. — ἀνεπιτήδειον: part of the inquiry at the δοκιμασία of magistrates was εἰτ' ἐπιτήδειοι εἰσιν ἀρχεῖν εἴτε καὶ μή, Poll. viii. 44. — ίδιαν ἔχθραν: personal enmity (a proper ground in cases like xii. 2) would be out of place when one spoke for the State. — μεταπορευόμενος: in this sense unique in Attic where the usual word is μέτεμψις or μετέρχομαι. — τῷ δύνασθαι: causal. G. 1547; H. 959. See App. and p. 135, note 19.

3 γνώσεσθε μὲν οὖν ὅτι οὐκ ἀπὸ ἵσης παρασκευῆς ἐγώ τε τοῦτον ἐλέγξω οἶός ἐστι καὶ οὗτος ἐπεχείρησε πονηρὸς εἶναι. ὅμως δ' εἴ τι ἐγὼ ἐλλείποιμι τῷ λόγῳ τῆς κατηγο-  
15 ρίας, οὐκ ἀν δίκαιος εἴη οὗτος διὰ τοῦτο ἀφεληθῆναι,  
ἀλλὰ μᾶλλον, ὃ τι ἰκανῶς διδάξαιμι, ἐκ τούτων ἀποδοκι-  
4 μασθῆναι. ἐνδεῶς μὲν γὰρ διὰ τὴν ἀπειρίαν πάντων τῶν  
τούτῳ πεπραγμένων, ἰκανῶς δὲ διὰ τὴν περὶ αὐτὸν κακίαν  
εἰρηκὼς ἀν εἴην. ἀξιῶ δὲ καὶ ὑμῶν, οἵτινες δυνατώτεροι  
20 ἔμοιν εἰσι λέγειν, ἀποφῆναι μείζω ὅντα αὐτοῦ τὰ ἀμαρτή-  
ματα, καὶ ἔξ ὧν ἀν ἐγὼ ὑπολίπω, πάλιν αὐτοὺς περὶ ὧν  
ἵσασι κατηγορῆσαι Φίλωνος· οὐ γὰρ ἐκ τῶν ὑπὸ ἔμοιν  
μόνου λεγομένων δεῖ ὑμᾶς περὶ αὐτοῦ ὅποιός ἐστι σκέ-  
ψασθαι.

5 <sup>sec 1/2</sup> Ἐγὼ γὰρ οὐκ ἄλλους τινάς φημι δίκαιον εἶναι βουλεύ-  
ειν περὶ ἡμῶν ἡ τοὺς πρὸς τῷ εἶναι πολίτας καὶ ἐπιθυ-  
μοῦντας τούτου. τούτοις μὲν γὰρ μεγάλα τὰ διαφέροντά

3. οὐκ ἀπὸ ἵσης παρασκευῆς κτλ.: ‘I am not so well prepared.’ For the use of ἀπό, cf. xxii. 10, καὶ ταῦτα οὐκ ἀπὸ τύχης ἐγίγνετο, ἀλλ’ ἀπὸ παρα-  
σκευῆς τῆς ἐμῆς. — καὶ οὗτος κτλ.: ‘as he was when he entered upon his course of wickedness.’ Note τε... καὶ.  
— δίκαιος: ‘entitled.’ On the personal usage, cf. § 20, and see G. 1527; H. 944 a. But a different sense must be given it with ἀποδοκιμασθῆναι.  
— ὅ τι: singular, though τούτων is plural; see on xii. 37.

4. τὴν ἀπειρίαν: *my lack of acquaintance.* — περὶ αὐτὸν: ‘attaching to him’; cf. Isocr. xii. 76, τῆς περὶ αὐτὸν δόξης, *his own fame*. See App. — εἰρηκὼς ἀν εἴην: the rare perf. opt. GMT. 103, 104. He is anticipating

the end of his speech. — ἔξ ὧν κτλ.: the other senators are to continue the accusation through the material which the speaker leaves unused. — πάλιν αὐτούς: *themselves in their turn*, contrasted with ἐγώ.

5. Here the speaker gives his conception of a good senator. — περὶ: approaches closely the meaning of ὑπέρ with gen. Cf. xxxiv. 10, ἀνδρας ἀγαθοὺς περὶ τῆς πατρίδος καὶ ἡμῶν αὐτῶν γίγνεσθαι. — πρὸς τῷ εἶναι: *besides being*. See App. — ἐπιθυμοῦν-  
τας τούτου: (*sc. τοῦ εἶναι πολίτας*) ‘are really in love with their condition.’ — τὰ διαφέροντα: *the difference, the odds*, in another sense in xxxii. 1. On the phrase, cf. Thuc. ii. 43. 5, μεγάλα τὰ διαφέροντα, *ἥν τι πτα-*

ἐστιν εὖ τε πράττειν τὴν πόλιν τήνδε καὶ ἀνεπιτηδείως,  
 διὰ τὸ ἀναγκαῖον σφίσιν αὐτοῦς ἡγεῖσθαι εἶναι μετέχειν  
 τὸ μέρος τῶν δεινῶν, ὥσπερ καὶ τῶν ἀγαθῶν μετέχουσι·  
 6 οἵσοι δὲ φύσει μὲν πολῖταί εἰσι, γνώμῃ δὲ χρῶνται ὡς  
 πᾶσα γῆ πατρὶς αὐτοῦς ἐστιν ἐν ᾧ ἀν τὰ ἐπιτήδεια ἔχωσιν,  
 οὗτοι δῆλοι εἰσιν ὅτι καν παρέντες τὸ τῆς πόλεως κοινὸν  
 ἀγαθὸν ἐπὶ τὸ ἑαυτῶν ἴδιον κέρδος ἔλθοιεν διὰ τὸ μὴ τὴν  
 7 πόλιν ἀλλὰ τὴν οὐσίαν πατρίδα ἑαυτοῖς ἡγεῖσθαι. ἐγὼ  
 τούνυν ἀποφανῶ Φίλωνα τοντονὶ περὶ πλείονος ποιησά-  
 μενον τὴν ἴδιαν ἀσφάλειαν ἢ τὸν κοινὸν τῆς πόλεως κίν-  
 δυνον, καὶ ἡγησάμενον κρείττον εἶναι αὐτὸν ἀκινδύνως  
 τὸν βίον διάγειν ἢ τὴν πόλιν σῳζειν ὁμοίως τοῖς ἄλλοις  
 40 πολίταις κινδυνεύοντα.

8 Οὗτος γάρ, ὡς Βουλή, ὅτε ἡ συμφορὰ τῇ πόλει ἦν (ἥς  
 ἐγώ, καθ' ὅσον ἀναγκάζομαι, κατὰ τοσοῦτον μέμνημαι),  
 ἐκκεκηρυγμένος ἐκ τοῦ ἄστεως ὑπὸ τῶν τριάκοντα μετὰ

*σωσιν.* — ἀνεπιτηδείως: *unbecoming-*  
*ly*, used euphemistically, cf. xii. 1,  
 πονηρὰ καὶ οὐκ ἐπιτήδεια τῷ δῆμῳ —  
 διὰ τὸ κτλ.: join διὰ τὸ ἡγεῖσθαι. The  
 order shows that ἀναγκαῖον and μετέ-  
 χειν are emphatic, and the follow-  
 ing words are strengthened by the  
 chiasm. — τὸ μέρος: the gen. could  
 not stand here after μετέχειν. Cf. τι,  
 § 9. — ὥσπερ καὶ: even as.

6. πᾶσα γῆ πατρὶς κτλ.: the Greek  
 of the good old sort, to whom his  
 native land was μήτηρ and τροφός  
 (cf. Plat. *Menex.* 237 B, Isocr. IV. 25),  
 had a low opinion of what we call a  
 ‘citizen of the world.’ This latter  
 notion appears in Eurip. *Frag. Phaë-  
 then*, 777 Nauck<sup>2</sup>, ὡς πανταχοῦ γε πα-  
 τρὶς ἡ βόσκουσα γῆ, and Ar. *Plut.* 1151,  
 πατρὶς γάρ ἐστι πᾶσ' ἣν πράττῃ τις

εν. Andocides on the other hand says  
 δλλοθι τε γὰρ ὡν πάντα τὰ ἀγαθὰ ἔχειν  
 στερόμενος τῆς πατρίδος οὐκ ἀν δεξαίμην,  
 I. 5. — δῆλοι ... ὅτι: instead of the  
 usual participial constr. (GMT. 907,  
 912) because of παρέντες. For another  
 instance, also caused by the structure  
 of the sentence, cf. XII. 50. — καν:   
 see App.

8. ἡ συμφορά: i.e. Aegos Potami  
 and what followed; cf. XII. 43. —  
 ἥς ἐγώ ... μέμνημαι: a common  
 apology, cf. XIII. 43, ἀνιῶμαι μὲν οὖν  
 ὑπομιμήσκων τὰς γεγενημένας συμφορὰς  
 τῇ πόλει, ἀνάγκη δ' ἐστιν, and see on  
 XII. 43; so Cic. *Vatin.* 21, ac ne  
 diutius loquar de auguratu  
 tuo, quod inuitus facio ut  
 recorder ruinas rei publicae.  
 — ἐκκεκηρυγμένος: see on XII. 95. —

τοῦ ἄλλου πλήθους τῶν πολιτῶν, τέως μὲν ὥκει ἐν ἀγρῷ,  
 45 ἐπειδὴ δὲ οἱ ἀπὸ Φυλῆς κατῆλθον εἰς τὸν Πειραιᾶ, καὶ οὐ  
 μόνον οἱ ἐκ τῶν ἀγρῶν ἄλλὰ καὶ οἱ ἐκ τῆς ὑπερορίας οἱ  
 μὲν εἰς τὸ ἄστυ οἱ δ' εἰς τὸν Πειραιᾶ συνελέγοντο καὶ  
 καθ' ὅσον ἔκαστος οἶδός τ' ἦν, κατὰ τοσοῦτον ἐβοήθει τῇ  
 πατρίδι, τάνατίᾳ ἅπασι τοὺς ἄλλοις πολίταις ἐποίησε.  
 9 συσκευασάμενος γὰρ τὰ ἔαυτοῦ ἐνθένδε εἰς τὴν ὑπερορίαν  
 ἔξωκησε, καὶ ἐν Ὁρωπῷ μετοίκιον κατατιθεὶς ἐπὶ προστά-  
 του ὥκει, βουληθεὶς παρ' ἐκείνοις μετοικεῖν μᾶλλον ἢ μεθ'  
 ἡμῶν πολίτης εἶναι. οὐ τούνν οὐδὲ ὕσπερ ἔνιοι τινες  
 τῶν πολιτῶν μετεβάλλοντο, ἐπειδὴ ἐώρων τοὺς ἀπὸ Φυλῆς  
 55 ἐν οἷς ἐπραττον εὐτυχοῦντας, οὐδὲ τούτων τι τῶν εὐτυχη-  
 μάτων ἤξιασε μετασχεῖν, ἐπὶ κατειργασμένοις μᾶλλον  
 ἐλθεῖν βουλόμενος ἢ συγκατελθεῖν κατειργασάμενός τι  
 τῶν τῇ κοινῇ πολιτείᾳ συμφερόντων· οὐ γὰρ ἥλθει εἰς

οἱ ἀπὸ Φυλῆς: see on xvi. 4.—οἱ ἐκ τῆς ὑπερορίας: including the exiles, like the invalid (xxiv. 25), as well as persons absent on business or for other reasons, like Mantitheus, xvi. 4. Such persons on returning joined each the party he preferred, as the invalid joined the patriots, and Callimachus (Isocr. xviii. 48) the Thirty.

9. ἔξωκησε: emigrated, see on xxxii. 14.—Ὁρωπῷ: this city, near the border of Attica and Boeotia, belonged to the Athenian alliance until 411, when it was lost by treachery. It then became an independent oligarchy under Thebes. In 402 it was annexed to Boeotia.—μετοίκιον: the tax paid by a resident foreigner; see Introd. § 15.—ἐπὶ προστάτου ὥκει: an expression found (acc. to Lutz, *Präp.* p. 101) else-

where in the orators only in Lycurg. *Leocr.* 145, *οἰκήσας* ἐν Μεγάροις ἐπὶ προστάτου. In it the local sense merges into manner. Cf. Thuc. ii. 63, 3, *εἴ τον ἐπὶ σφῶν αὐτῶν αὐτόνομοι οἰκήσειαν*, and see H. 799, 1 d. On the προστάτης, see Introd. § 15.—ἐκείνοις: refers to Ὁρωπῷ. See on αὐτῶν, xii. 37.—μετεβάλλοντο: the regular word of changes from one political party to another; cf. xviii. 5, xxv. 9.—τι: see on μέρος, § 5.—ἐπὶ κατειργασμένοις: ‘after it was all over.’ On this sense of ἐπὶ, cf. Hdt. viii. 94, ἐπ’ ἔξεργασμένοις ἐλθεῖν ἐς τὸ στρατόπεδον (so ix. 77, cf. Aesch. *Pers.* 525), and Xen. *Hellen.* iii. 4. 6, ἐπὶ τούτοις ρήθεῖσι, Hdt. i. 170, ἐπὶ διεφθαρμένοις “Ιωσι. Note the double paronomasia in κατειργασμένοις with κατειργασάμενος and in ἐλθεῖν with

τὸν Πειραιᾶ, οὐδ' ἔστιν ὅπου ἑαυτὸν ὑμῖν τάξαι παρέσχεν.  
**10** καίτοι γε ὅστις εὐτυχοῦντας ὥρῳ ἡμᾶς ἐτόλμα προδιδόναι,  
 τί ποτε ὡς μὴ ἐβουλόμεθά γε πράττοντας ἐποίησεν ἄν;  
 ὅσοι μὲν τούνναν διὰ συμφορὰς ἴδιας οὐ μετέσχον τῶν τότε  
 γενομένων τῇ πόλει κινδύνων, συγγνώμης τινὸς ἄξιοι εἰσι  
 τυχεῖν· οὐδενὶ γὰρ οὐδὲν ἔκούσιον δυστύχημα γίγνεται.  
**11** ὅσοι δὲ γνώμῃ τοῦτο ἔπραξαν, οὐδεμιᾶς συγγνώμης ἄξιοι  
 εἰσιν· οὐ γὰρ διὰ δυστυχίαν ἀλλὰ δὶ' ἐπιβουλὴν ἐποίη-  
 σαν αὐτό. καθέστηκε δέ τι ἔθος δίκαιον πᾶσιν ἀνθρώ-  
 ποις τῶν αὐτῶν ἀδικημάτων μάλιστα ὀργίζεσθαι τοῖς  
 μάλιστα δυναμένοις μὴ ἀδικεῖν, τοῖς δὲ πένησιν ἢ ἀδυνά-  
 τοις τῷ σώματι συγγνώμην ἔχειν διὰ τὸ ἥγεῖσθαι ἄκοντας

*συγκατελθεῖν*, and see on § II.—**τάξαι**:  
 the regular word of an appointment  
 to military duty. Cf. Plat. *Apol.* 28 D,  
 δῆτε μὲν με οἱ ἀρχοντες ἔταττον. On  
 the mood, denoting purpose, see  
 G.M.T. 772.

**10.** ὡς μὴ ἐβουλόμεθα: a euphemism  
 for *κακῶς*, like aliter *atque vel-*  
*lemus*. Cf. Dem. xxii. 62, πολλὰ  
 γὰρ ἡμῶν ἔκαστος οὐχ ὡς βούλεται  
 πράττει, Isocr. xix. 39, τῆς ἀναχωρή-  
 σεως οὐχ οἵας ἡβούλομεθα γενομένης.  
 The clause has *μὴ* because it is con-  
 nected with *πράττοντας*, an impf.  
 partic. serving as protasis of *ἐποίησεν*  
*ἄν.* — *συμφορὰς ἴδιας*: such as physi-  
 cal disability (cf. xxiv. 3) or poverty.  
 — *ἔκούσιον*: of his own wish or will.  
 An involuntary failure of duty was  
 of course excusable; cf. Dem. xxiv.  
 49, τοῖς γὰρ ἀκούσιν ἀμαρτοῦσι μέτεστι  
 συγγνώμης, οὐ τοῖς ἐπιβούλευσασιν, and  
 Arist. *N. E.* iii. 1. 1, ἐπὶ μὲν τοῖς ἔκον-  
 στοις ἐπαίνων καὶ ψήγων γενομένων, ἐπὶ  
 δὲ τοῖς ἀκούστοις συγγνώμης.

**11.** *γνώμη* (on purpose), *συγγνώ-*  
*μης*: *paronomasia*. See on § 9, and  
 cf. Thuc. ii. 62. 3, μὴ φρονήματι μό-  
 νον, ἀλλὰ καὶ καταφρονήματι. — **καθέ-**  
**στηκε**: *it is settled or agreed*, stronger  
 than *ἔστι*. Cf. Thuc. i. 76. 2, *ἀλ*  
*καθεστῶτος* (*it being an established*  
*rule*) *τὸν ἥσσω ὑπὸ τοῦ δυνατωτέρου*  
*κατείργεσθαι*. So the perf. of *δοκεῖ*,  
 as *δεδογμένον* γέ *ἔστι* *τὸ Σωκράτη δια-*  
*φέρειν τινὶ τῶν πολλῶν ἀνθρώπων*, Plat.  
*Apol.* 34 E. — **πᾶσιν ἀνθρώποις**: see  
 on xvi. 15. — **ἀδικημάτων**: the gen.  
 of the cause with *ὅργίζεσθαι*, because  
 the gen. belongs also to *συγγνώμην*  
*ἔχειν*. In xii. 80 it is used for con-  
 cinnity with the following clause, so  
 in xxvii. 11. Elsewhere in Lysias  
 this verb is construed with *ὑπέρ* (xii.  
 2), *ἀντὶ* (xii. 96), *διὰ* (xxi. 9), *ἐπὶ*  
 (xxxii. 21): Frohberger. — **ἀδυνάτοις**  
*τῷ σώματι*: cf. xxiv. 4.

**12.** Application of the foregoing  
 general principle to the case of  
 Philon. Note the chiastic order in

—**12** αὐτοὺς ἀμαρτάνειν. οὗτος τοίνυν οὐδεμιᾶς συγγνώμης  
ἀξιός ἐστι τυχεῖν· οὔτε γὰρ τῷ σώματι ἀδύνατος ἦν  
ταλαιπωρεῖν, ὡς καὶ ὑμεῖς ὁρᾶτε, οὔτε τῇ οὐσίᾳ ἄπορος  
λητουργεῖν, ὡς ἐγὼ ἀποδείξω. ὅστις οὖν ὅσον δυνατὸς  
75 ἦν ὥφελεῖν, τοσοῦτον κακὸς ἦν, πῶς οὐκ ἀν εἰκότως ὑπὸ<sup>75</sup>  
**13** πάντων ὑμῶν μισοῦτο; ἀλλὰ μὴν οὐδ' ἀπεχθήσεσθε γε  
τῶν πολιτῶν οὐδενὶ τοῦτον ἀποδοκιμάσαντες· ὃς οὐ τι  
τοὺς ἔτέρους ἀλλ' ἀμφοτέρους φανερός ἐστι προδοὺς, ὥστε  
μήτε τοῖς ἐν τῷ ἀστει γενομένοις φίλον προσήκειν εἶναι  
80 τοῦτον, — οὐ γὰρ ἡξίωσεν ὡς αὐτοὺς ἐλθεῖν κινδυνεύον-  
τας, — μήτε τοῖς τὸν Πειραιᾶ καταλαβοῦσιν, — οὐδὲ γὰρ  
**14** τούτοις ἡθέλησε συγκατελθεῖν. εἰ μέντοι τι μέρος περί-  
εστι τῶν πολιτῶν ὃ τι τῶν αὐτῶν μετέσχε τούτῳ πραγμά-  
των, μετ' ἐκείνων, ἐάν ποτε (ὅ μὴ γένοιτο) λάβωσι τὴν  
85 πόλιν, βουλεύειν ἀξιούτω.

‘Ως οὖν ὥκει τε ἐν ’Ορωπῷ ἐπὶ προστάτου καὶ ἐκέκτητο  
ἰκανὴν οὐσίαν καὶ οὕτ’ ἐν τῷ Πειραιεῖ οὕτ’ ἐν τῷ ἀστει  
ἔθετο τὰ ὅπλα, ἵνα εἰδῆτε ὅτι ταῦτα πρῶτον ἀληθῆ λέγω,  
ἀκούσατε τῶν μαρτύρων.

which the two points are taken up :  
*τοῖς πένησιν* : ἀδυνάτοις τῷ σώματι ::  
*τῷ σώματι ἀδύνατος* : τῇ οὐσίᾳ ἄπορος.  
*—λητουργεῖν*: in a wide sense, including such public contributions as are mentioned in § 15.

13. *τοὺς ἔτέρους*: one party.

14. *περίεστι*: remains, is left over. The whole sentence is of course sarcastic. — *τῶν αὐτῶν πραγμάτων*: cf. xii. 62. — *ὅ μὴ γένοιτο*: a regular formula of deprecation, like our ‘Heaven forbid.’ Cf. Dem. xxi. 209, *ἐνθυμεῖσθ'*, ὡς ἀνδρες δικασταί, εἰ γέ-  
νοιντο, ὦ μὴ γένοιτο οὐδ' ἔσται, οὐτοι

κέριοι τῆς πολιτείας. — *ἴαν . . . πόλιν*: a secondary prot., really part of the apodosis. GMT. 510. The main prot. is *εἰ . . . πραγμάτων*. — *λάβωσι τὴν πόλιν*: cf. xii. 57. — *ἔθετο τὰ ὅπλα*: equiv. to *οὐδ' ἔστιν . . . τάξαι παρέσχεν*, § 9, ‘took his post,’ i.e. for battle or service in general. Cf. Dem. xxi. 145, *αὐτὸς ὑπέρ τοῦ δῆμου θέμενος τὰ ὅπλα, δἰς μὲν ἐν Σάμψῃ, τρίτον δὲ ἐν αὐτῇ τῇ πόλει, τῷ σώματι τὴν εὔνοιαν, οὐ χρήματι οὐδὲ λόγοις ἐνεδείξατο τῇ πατρίδι*. — *πρῶτον*: to begin with. Cf. Dem. xxxvii. 8, *ὡς οὖν ταῦτα πρῶτον ἀληθῆ λέγω, τούτων τοὺς μάρτυρας ὑμὲν παρέξομαι*.

## ΜΑΡΤΥΡΕΣ.

15. ‘Τπολειπεται τοίνυν αὐτῷ λέγειν ὡς τῷ μὲν σώματι δι’ ἀσθένειάν τιν’ ἐπιγενομένην ἀδύνατος κατέστη βοηθῆσαι εἰς τὸν Πειραιᾶ, ἀπὸ δὲ τῶν ὑπαρχόντων ἐπαγγειλάμενος αὐτὸς ἦ χρήματ’ εἰσενεγκεῖν εἰς τὸ πλῆθος τὸ ὑμέτερον ἦ ὄπλισαι τινὰς τῶν ἑαυτοῦ δημοτῶν, ὥσπερ καὶ ἄλλοι πολλοὶ τῶν πολιτῶν αὐτοὶ οὐδὲνάμενοι ληπτουργεῖν τοὺς σώμασιν. ἵνα οὖν μὴ ἐγγένηται αὐτῷ ψευσταμένῳ ἔξαπατῆσαι, καὶ περὶ τούτων ἥδη σαφῶς ὑμῶν ἀποδείξω, ἐπειδὴ ὕστερον οὐκ ἔξεσται μοι παρελθόντι ἐνθάδ’ ἐλέγχειν αὐτόν. καὶ μοι κάλει Διότιμον τὸν Ἀχαρνέα καὶ τοὺς αἱρεθέντας μετ’ αὐτοῦ τοὺς δημότας ὄπλισαι ἀπὸ τῶν εἰσενεχθέντων χρημάτων.

15. **τῷ σώματι**: it was the duty of a good citizen to serve the state *τῷ σώματι* καὶ τοῖς χρήμασι, Lys. xxv. 4; cf. And. II. 18, ἐκεῖνος ἀν εἴη πολὺ πλείστου ἀξιος ἀνήρ, δοτις τοῖς ἑαυτοῦ παρακινδυνεύων χρήμασί τε καὶ σώματι τολμών ἀγαθὸν τι ποιεῖν τοὺς ἑαυτοῦ πολίτας. To give money only was less glorious (cf. Dem. xxi. 145 quoted on § 14), but becoming, if physical or other disability forbade the other. — **ἐπιγενομένην**: *having fallen upon*; cf. Dem. xxxvi. 7, ἐπιγενομένης δ’ ἀρρωστίας τῷ Πασιωνι. This disability was at least a thing of the past; cf. § 12. — **τῶν ὑπαρχόντων**: *his belongings, possessions*, somewhat differently in xxxii. 28. — **ἐπαγγειλάμενος αὐτὸς**: see on XII. 68. — **εἰσενεγκεῖν**: a sudden change from the construction with *ὡς* after *λέγειν* to the infinitive. A like change occurs in XIII. 78, and the reverse in XIII. 9; even after *εἶπον* the former

occurs in Thuc. I. 87. 4. — **τὸ πλῆθος κτλ.**: see on XII. 26. — **ὥσπερ καὶ ἄλλοι**: others besides the infirm helped out their poorer comrades; cf. XVI. 14, and the case of Lysias himself, Introd. § 20.

16. **ἔξαπατῆσαι**: *sc.* by the method of defence described in XII. 38. — **καὶ περὶ τούτων**: *sc.* as well as on the first points, on which evidence has already been given. — **οὐκ ἔξεσται**: the passage shows that in the *δοκιμαστα*, at least of senators, an accuser could speak but once. — **παρελθόντι ἐνθάδε**: *sc.* to the speaker’s platform; the verb is technical in this sense. — **κάλει**: see on XII. 47. — **Διότιμον**: not otherwise known unless he is identical with *Διότιμος Διομνήστον Ἀχαρνεύς*, CIA. II, 1917. The deme Acharnae was north of Athens. — **ὄπλισαι**: on the mood, cf. *τάξαι*, § 9.

## ΜΑΡΤΥΡΙΑ ΤΩΝ ΑΙΡΕΘΕΝΤΩΝ ΜΕΤΑ ΔΙΟΤΙΜΟΥ.

- 17 Οὐτος τοίνυν οὐχ ὅπως ὡφελήσει τὴν πόλιν ἐν τοιούτῳ καιρῷ καὶ τοιαύτῃ καταστάσει διενοήθη, ἀλλ’ ὅπως τι κερδανεῖ ἀπὸ τῶν ὑμετέρων συμφορῶν παρεσκευάστω·  
 105 ὄρμώμενος γὰρ ἐξ Ὡρωποῦ, τοτὲ μὲν αὐτὸς μόνος, τοτὲ δ’ ἔτέροις ἥγονύμενος οἷς τὰ ὑμέτερα δυστυχήματα εὗται·  
 18 χήματα ἐγεγόνει, περιιών κατὰ τοὺς ἀγροὺς καὶ ἐντυγχάνων τῶν πολιτῶν τοῖς πρεσβυτέροις, οἵ κατέμειναν ἐν τοῖς δῆμοις ὀλίγα μὲν τῶν ἐπιτηδείων ἔχοντες, τάναγκαῖα δέ,  
 110 εὖνοι μὲν ὄντες τῷ πλήθει, ἀδύνατοι δὲ ὑπὸ τῆς ἡλικίας βοηθεῖν, τούτους ἀφηρεῖτο τὰ ὑπάρχοντα, περὶ πλείονος ποιούμενος αὐτὸς μικρὰ κερδαίνειν ἢ ἐκείνους μηδὲν ἀδικεῖν· οἱ νῦν αὐτὸν δι’ αὐτὸ τοῦτο οὐχ οἶοι τέ εἰσιν ἐπεξελθεῖν ἄπαντες, δι’ ὅπερ καὶ τότε ἀδύνατοι τῇ πόλει βοηθεῖν  
 19 ἥσαν. οὐ μέντοι τοῦτόν γε χρὴ διὰ τὴν ἐκείνων ἀδυναμίαν δὶς ὡφεληθῆναι, τότε τ’ ἀφελόμενον ἀ εἰχον, νῦν τε

17. *καταστάσει*: here used in a rather general sense, *political condition*, as in Plat. *Rep.* 492 E, *ἐν τοιαύτῃ καταστάσει πολιτειῶν*, but more often the sense is narrower, meaning *constitution*, as frequently in Arist. *Resp. Ath.*, e.g. 41, 42. — *διενοήθη, παρεσκευάστω*: on these synonymous endings of the clauses, see on xvi. 13. — *ὄρμώμενος*: often used, in a military sense, of one's base of operations, as in Xen. *Anab.* i. 1. 9, *ἐπολέμει ἐκ Χερρονήσου ὄρμώμενος τοῖς Θρᾳξι*. See on *ἀφορμαῖς*, xxiv. 24. Oropus was Philon's headquarters. — *αὐτὸς μόνος, ἔτέροις*: for a like contrast, cf. xxxii. 27; sometimes the former member is strengthened into *μόνος*

*αὐτὸς καθ’ αὐτὸν*, xxvi. 11. — *οἱ ... ἐγεγόνει*: the typical good citizen suffered with his country, but not so the bad; cf. xxii. 13, 14.

18. *δῆμοις*: of course the country demes are meant. — *τάναγκαῖα*: 'necessaries of life,' which would be included among *ἐπιτήδεια, provisions*, in general. — *ὑπό*: causal; see on vii. 21. — *τὰ ὑπάρχοντα*: see on § 15. — *αὐτόν*: with *ἐπεξελθεῖν* the dat. would be commoner; see App. — *ἄπαντες*: as the words *καὶ ὁστισοῦν κτλ.* in § 19 show, the speaker had but few witnesses or fellow-accusers; hence this explanation of the fact that so few appeared against a man like Philon. — *δι’ αὐτὸ τοῦτο*: i.e. their age and poverty.

δοκιμασθέντα ὑφ' ὑμῶν· ἀλλὰ κανὸν ὁστισοῦν παραγένηται τῶν ἀδικηθέντων, μέγα αὐτὸς ἡγήσασθε εἶναι καὶ τοῦτον ὑπερμισῆσατε, ὁστις ἐτόλμησεν, οἷς ἔτεροι διδόναι παρ' 120 ἑαυτῶν τι προηροῦντο διὰ τὴν ἀπορίαν οἰκτίραντες αὐτούς, τούτων ἀφαιρεῖσθαι τὰ ὑπάρχοντα. κάλει μοι τοὺς μάρτυρας.

## ΜΑΡΤΥΡΕΣ.

20 Οὐ τούννυν ἔγωγε οἶδα ὅ τι ὑμᾶς διαφερόντως δεῖ γιγνώσκειν περὶ αὐτοῦ ἢ οἱ οἰκεῖοι γιγνώσκουσι· τοιαῦτα γάρ 125 ἔστιν, ὥστ' εἰ καὶ μηδὲν αὐτῷ ἄλλο ἡμάρτητο, διὰ μόνα ταῦτα δίκαιον εἶναι ἀποδοκιμασθῆναι. οἵα μὲν οὖν ζῶσα ἡ μήτηρ αὐτοῦ κατηγόρει παρήσω· ἐξ ὧν δὲ τελευτῶσα τὸν βίον διεπράξατο τεκμαρομένοις ράδιον ἔστιν ὑμῖν· 21 γνῶναι ὅποιός τις ἦν περὶ αὐτῆν. ἐκείνη γάρ τούτῳ μὲν 130 ἡπίστησεν ἀποθανοῦσαν ἑαυτὴν ἐπιτρέψαι, Ἀντιφάνει δὲ οὐδὲν προσήκουσα πιστεύσασα ἔδωκεν εἰς τὴν ἑαυτῆς

19. ὁστισοῦν: *anybody at all.* H. 1002 a. — μέγα: ‘a great point,’ ‘of great weight.’ Cf. Eur. *Phoen.* 549 f., τῇ τὴν τυραννίδ’, ἀδικλαν εὐδαίμονα, τιμᾶς ὑπέρφεν καὶ μέγ’ ἡγησαι τόδε; and Xen. *Cyr.* v. 3. 19, μέγα ποιῶμαι φίλιον τοῦτο τὸ χωρίον τοῖς ἐνθάδε συμμάχοις καταλείπων. — παρ' ἑαυτῶν: from their own means, a common use of παρά with reflexives (Lutz, *Präp.* p. 143), cf. xxvi. 24, οὐ φάσκων αὐτὸς λύσεσθαι, εἰ μὴ τοῦτο (*i.e.* a sum of thirty minae) αὐτῷ παρὰ σφῶν αὐτῶν παράσχοιεν. — τούτων ἀφαιρεῖσθαι τὰ ὑπάρχοντα: the same verb in § 18 takes two accs., and the like variety occurs in xxiv. 13. G. 1069, 1071; H. 724, 748 a.

20. γιγνώσκειν: *feel.* — τοιαῦτα: referring to the state of mind of Phi-

lon's relatives. See App.—δίκαιον: see on § 3. — κατηγόρει: reproached. — παρήσω: a favourite rhetorical device, rousing suspicion in the jury's mind against the accused, often groundlessly. See on xii. 43, and cf. Auct. *ad Herenn.* iv. 37, ut utilius sit occulite fecisse suspicionem, quam eius modi intendisse orationem, quae redarguatur.

21. οὐδὲν προσήκουσα: concessive and subordinate to πιστεύσασα. To pass over (παραλιποῦσα) one's own son and enjoin the charge of the ταφὴ νομιζομένη (see on xii. 96) to a comparative stranger was to cast on the former the worst of stigmas. The thought of burial by one's children was a comforting hope; cf. xiii. 45, where it is said of the aged, ηλπιζον

ταφὴν τρεῖς μνᾶς ἀργυρίου, παραλιποῦσα τοῦτον ὑὸν ὅντα  
έαυτῆς. ἄρα δῆλον ὅτι εὖ ἥδει αὐτὸν οὐδὲ διὰ τὸ προσή-  
22 κειν αὐτῇ τὰ δέοντα ἀν ποιήσαντα; καίτοι εἰ μήτηρ, ἡ  
135 πέφυκε καὶ ἀδικουμένη ὑπὸ τῶν έαυτῆς παιδῶν μάλιστα  
ἀνέχεσθαι καὶ μίκρῳ ὠφελουμένη μεγάλα ἔχειν ἡγεῖσθαι  
διὰ τὸ εὐνοίᾳ μᾶλλον ἡ ἐλέγχω τὰ γιγνόμενα δοκιμάζειν,  
ἐνόμιζε τοῦτον καν ἀπὸ τεθνεώσης φέρειν έαυτῆς, τί χρὴ  
23 ὑμᾶς περὶ αὐτοῦ διανοηθῆναι; ὅστις γὰρ περὶ τοὺς  
140 έαυτοῦ ἀναγκαίους τοιαῦτα ἀμαρτάνει ἀμαρτήματα, τί  
ἀν περὶ γε τοὺς ἀλλοτρίους ποιήσειν; ὡς οὖν καὶ  
ταῦτ’ ἀληθῆ ἔστιν, ἀκούσατε αὐτοῦ τοῦ λαβόντος τὸ  
ἀργύριον καὶ θάψαντος αὐτήν.

## ΜΑΡΤΥΡΙΑ.

24 Τί ἀν οὖν βουληθέντες ὑμεῖς τοῦτον δοκιμάσαιτε;

ὑπὸ τῶν σφετέρων αὐτῶν παῖδων γηρο-  
τροφέντες, ἐπειδὴ τελευτήσειαν τὸν βίον  
ταφήσεσθαι. Of the son's duty to his  
father the law of Solon enjoined,  
ἀποθανόντα δὲ αὐτὸν θαπτέτω καὶ τάλλα  
ποιείτω τὰ νομιζόμενα, Aeschin. I. 13.  
Neglect of this duty meant rejection  
at the δοκιμασία, see Introd. § 8. —  
**τρεῖς μνᾶς**: not a large sum for the  
purpose, in fact the smallest men-  
tioned in the authors; cf. Boeckh,  
Staatsh. I, p. 146, and Lys. xxxii. 21.  
— **ἄρα δῆλον**: the addition of δῆλον  
shows that ἄρα here = non ne. Kr.  
Spr. 69, 9.

22. **εἰ μήτηρ**: if a mother. The  
speaker begins with a general  
thought, but at ἐνόμιζε τοῦτον passes  
to the particular case, as in XII. 84,  
xxiii. 12. — **μικρὰ ... δοκιμάζειν**:

tried by the test of a mother's love  
(εὐνοίᾳ), not by any legal scrutiny  
(ἐλέγχῳ), even small services from  
her children seem great. Cf. Soph.  
El. 770, δεινὸν τὸ τίκτειν (motherhood)  
ἔστιν· οὐδὲ γὰρ κακῶς πάσχοντι (even  
though wronged) μῆτος ὡν τέκῃ προσ-  
γίγνεται. — **φέρειν**: plunder, rob. The  
expression was proverbial, Arist.  
Rhet. II. 6. 5, τὸ κερδαλεῖν ἀπ' ἀδυνά-  
των, οἷον πενήτων ἡ τεθνεώτων· θεῖν καὶ  
ἡ παροιμία, τὸ καν ἀπὸ νεκροῦ φέρειν.

24. **τι βουληθέντες**: used (though  
generally the partic. is pres.) in an im-  
patient sort of question to which the  
speaker believes that no well ground-  
ed answer can be given. Cf. I. 45,  
τι ἀν οὖν βουλόμενος ἐκινδύνευον; Plat.  
Phaed. 63 A, τι γὰρ ἀν βουλόμενοι  
ἀνδρες σοφοὶ ὡς ἀληθῶς δεσπότας

145 πότερον ὡς οὐχ ἡμαρτηκότα; ἀλλὰ τὰ μέγιστα περὶ τὴν πατρίδα ἡδίκηκεν· ἀλλ' ὡς ἔσται βελτίων; τοιγάρτοι πρότερον βελτίων γενόμενος περὶ τὴν πόλιν ὕστερον βουλεύειν ἀξιούτω, φανερόν τι ἀγαθὸν ὥσπερ τότε κακὸν ποιήσας. σωφρονέστερον γάρ ἔστιν ὕστερον πᾶσι τῶν 150 ἔργων τὰς χάριτας ἀποδιδόναι· δεινὸν γὰρ ἔμοιγε δοκεῖ εἶναι, εἰ ἔξ ὅν μὲν ἡδη ἡμάρτηκε μηδέποτε τιμωρηθήσεται, 25 ἔξ ὅν δὲ μέλλει εὖ ποιήσειν ἡδη τετιμήσεται. ἀλλ' ἄρα ἵνα βελτίους ὁσιν οἱ πολῖται ὄρῶντες ἀπαντας ὁμοίως τιμωμένους, διὰ τοῦτο δοκιμαστέος ἔστιν; ἀλλὰ κίνδυνος 155 καὶ τοὺς χρηστούς, ἐὰν αἰσθάνωνται ὁμοίως τοὺς πονηροὺς τιμωμένους, παύσεσθαι τῶν χρηστῶν ἐπιτηδευμάτων, τῶν αὐτῶν ἡγουμένους εἶναι τούς τε κακοὺς τιμᾶν καὶ τῶν

ἀμένους αὐτῶν φεύγοιεν; — πότερον, ἀλλὰ, ἀλλὰ (§ 25): see on xiv. 24. — ὡς οὐχ ἡμαρτηκότα: *on the ground that he has not offended.* See on xii. 2. — περὶ ... ἡδίκηκεν: elsewhere Lys. uses the simple acc. with ἀδικέω; here he may have been influenced by his use of περὶ with acc. twice in § 23 as well as with πόλιν below. In Dem. περὶ and acc. is freq. with ἀδικέω, and Fuhr adds *CIA.* II, 811 c, 154, ἐάν τις ἀδικῇ περὶ τὰ ἐν τοῖς νεωποιοι. — ὡς ἔσται: *on the ground that he will be a better man,* the somewhat rare use of ὡς in a causal sentence with indic., seeming to have the ‘subjective’ force (*i.e.* it expresses the ground on which the subject of δοκιμάσαιτε is supposed to act), as with the partic. ἡμαρτηκότα above. See Kr. *Spr.* 65, 8, and App. — τοιγάρτοι: *accordingly, then,* said with reference to Philon’s promised improvement implied in ὡς ἔσται βελτίων. — πᾶσι:

see App. — ἡδη, ἡδη: Rauchenstein notes this poignant repetition (observe also the jingle in *τιμωρηθήσεται* and *τετιμήσεται*, cf. § 26), in which the first ἡδη refers to the past, *already*, and the second means *at once, immediately.* For the latter sense (which is often also the feeling of the fut. perf., see G. 1266; GMT. 79), cf. Dem. viii. 2, καὶ ἡδη δοκῆ καν ἐπισχούσιν (*after waiting a while*), Xen. *Anab.* i. 4. 16, ἐγὼ μὲν ἡδη ὑμᾶς ἐπαινῶ· οὕτως δὲ καὶ ὑμεῖς ἐμὲ ἐπαινέσετε ἐμοὶ μελήσει.

25. ἄρα: gives an ironical tone to the clause; cf. § 28, *Plat. Apol.* 37 D, ἀλλοι δὲ ἄρα αὐτὰς οἴσονται ῥάδιως; — ὁμοίως: = ἔξ του, sc. ἐαυτοῖς. — παύσεσθαι: an inf. after κίνδυνος ἔστι is ordinarily pres. or aor., cf. xii. 31 (G. 1521). But the fut. (G. 1277) may also be used, as with κινδυνεύει in *Plat. Rep.* 459 C. — τῶν αὐτῶν: for the case, see on xii. 41.

· 26 ἀγαθῶν ἀμνημονεῖν. ἄξιον δὲ καὶ τόδε ἐνθυμηθῆναι, ὅτι εἰ μέν τις φρούριόν τι προῦδωκεν ἡ ναῦς ἡ στρατόπεδον 160 τι, ἐν ᾧ μέρος τι ἐτύγχανε τῶν πολιτῶν ὅν, ταῖς ἐσχάταις ἀν ζημίαις ἐζημιόῦτο, οὗτος δὲ προδοὺς ὅλην τὴν πόλιν οὐχ ὅπως μὴ τιμωρηθήσεται ἀλλ' ὅπως τιμήσεται παρασκευάζεται. καίτοι δικαίως γ' ἀν ὅστις φανερῶς ὥσπερ οὗτος προῦδωκε τὴν ἐλευθερίαν, οὐ περὶ τοῦ βουλεύειν 165 ἀλλὰ περὶ τοῦ δουλεύειν καὶ τῆς μεγίστης ταλαιπωρίας ἀγωνίζοιτο.

27 Ἀκούω δ' αὐτὸν λέγειν ὡς, εἴ τι ἦν ἀδίκημα τὸ μὴ παραγενέσθαι ἐν ἔκεινῳ τῷ καιρῷ, νόμος ἀν ἔκειτο περὶ αὐτοῦ διαρρήδην, ὥσπερ καὶ περὶ τῶν ἄλλων ἀδικημάτων. 170 οὐ γάρ οἴεται ὑμᾶς γνώσεσθαι ὅτι διὰ τὸ μέγεθος τοῦ

26. φρούριόν τι κτλ.: the procedure against one guilty of *προδοσία* (treason or betrayal) was through an *εἰσαγγελία* (see Introd. n. 167); cf. Hyperid. *Eux.* xxii sq., ὑπὲρ τίνων οὖν φεσθε δεῖν τὰς εἰσαγγελίας γλγνεσθαι; ... ἔάν τις, φησί (sc. ὁ νομοθέτης), ... πόλιν τινὰ προδῷ ἡ ναῦς ἡ πεζῆν ἡ ναυτικὴν στρατιάν. — ἐν ᾧ ἐτύγχανε: on the assimilation, see on xii. 29. — ταῖς ἐσχάταις ἀν ζημίαις: one condemned of *προδοσία* was put to death, refused burial in Attica, and his property was confiscated. Cf. Xen. *Hellen.* i. 7. 22, ἔάν τις ἡ τὴν πόλιν προδιδῷ ... ἀν καταγνωσθῆ, (sc. νόμος ἐστι) μὴ ταφῆναι ἐν τῇ Ἀττικῇ, τὰ δὲ χρήματα αὐτοῦ δημόσια εἶναι. Hence the bones of Themistocles, who died abroad while under sentence of treason, were buried in Attica secretly, Thuc. i. 138. 6. On the whole subject of *προδοσία*, see M. and S., p. 419 ff.—ὅλην τὴν πόλιν: on the thought, cf. Lycurg. *Leocr.* 59

(‘he will say perhaps’), ὡς οὐκ ἔνοχος ἐστι τῇ προδοσίᾳ. οὔτε γάρ νεωριῶν κύρως οὔτε πυλῶν οὔτε στρατοπέδων οὐθ' δλως τῶν τῆς πόλεως οὐδενός. ἐγὼ δ' ἡγοῦμαι τοὺς μὲν τούτων κυρίους μέρους ἀν τι προδοῦναι τῆς ὑμετέρας δυνάμεως, τουτονὶ δ' ὅλην ἔκδοτον ποιήσαι τὴν πόλιν. — τιμήσεται: fut. mid. as pass. So in Xen. *Cyr.* viii. 7. 15, *Anab.* i. 4. 14; cf. xxii. 11, and see App. and G. 1248; H. 496 a.—παρασκευάζεται: is laying his schemes, often in a bad sense, cf. xii. 60. So ἐκ παρασκευῆς, xiii. 22, but cf. xxxi. 30. — τὴν ἐλευθερίαν: this word leads up well to δουλεύειν. Philon has cared nothing for the general liberty, he deserves to lose his own. On the paronomasia in βουλεύειν, δουλεύειν, see p. 135.

27. λέγειν: the tense denotes repetition. G. 1291; H. 824 a.—νόμος: on Solon’s law, see p. 133, note 8.—περὶ αὐτοῦ: not, of course, about absence on that particular occasion,

ἀδικήματος οὐδεὶς περὶ αὐτοῦ ἔγραφη νόμος. τίς γὰρ ἂν ποτε ῥήτωρ ἐνεθυμήθη ἢ νομοθέτης ἥλπισεν ἀμαρτήσε-  
 28 σθαί τινα τῶν πολιτῶν τοσαύτην ἀμαρτίαν; οὐ γὰρ ἀν δῆ που, εἰ μέν τις λίποι τὴν τάξιν μὴ αὐτῆς τῆς πόλεως  
 175 ἐν κινδύνῳ οὔσης ἀλλ’ ἐτέρους εἰς τοῦτο καθιστάσης, ἐτέθη νόμος ὡς μεγάλα ἀδικοῦντος, εἰ δέ τις αὐτῆς τῆς πόλεως ἐν κινδύνῳ οὔσης λίποι τὴν πόλιν αὐτήν, οὐκ ἀν ἄρα ἐτέθη. σφόδρα γ' ἂν, εἴ τις ωήθη τινὰ τῶν πολιτῶν  
 29 ἀμαρτήσεσθαί τι τοιοῦτον ποτε. τίς δ' οὐκ ἀν εἰκότως  
 180 ἐπιτιμήσειεν ὑμῖν, εἰ τοὺς μετοίκους μέν, ὅτι κατὰ τὸ προσ-  
 ἅγιον ἔαυτοῖς ἐβοήθησαν τῷ δῆμῳ, ἐτιμήσατε ἀξίως τῆς πόλεως, τοῦτον δέ, ὅτι παρὰ τὸ προσῆκον ἔαυτῷ προῦδωκε τὴν πόλιν, μὴ κολάσετε, εἰ μή γε ἄλλω τινὶ μείζονι, τῇ γε

but at any such crisis.—**ῥήτωρ**: thus defined in Suidas: *ῥήτωρ τὸ παλαιὸν ἐκαλεῖτο ὁ δῆμῳ συμβουλεύων καὶ ὁ ἐν δῆμῳ ἀγορεύων, εἴτε ικανὸς εἴη λέγειν εἴτε καὶ ἀδύνατος, εἴτε καὶ ἀπὸ τοῦ βελτίστου καὶ δικαιοτάτου συμβουλεύων εἰτ' ἐπ' οἰκεῖοις λήμμασι.* Hence used like our term *statesman* (which too often = *politician*). Cf. xxii. 2.

28. οὐ γὰρ ἀν κτλ.: Fuhr supplies as protasis *εἰ νομοθέτης ἥλπισεν . . . ἀμαρτίαν* from the foregoing. The thought then is: ‘had the lawmaker dreamed of the possibility of such a crime, he would never have framed a law against the less, and neglected a law against the greater.’ See App. —**δῆ που**: marks the sarcasm; see on xii. 27. —**μὴ . . . καθιστάσης**: the difference here, as Markland noted, is between defensive (*αὐτῆς τῆς πόλεως ἐν κινδύνῳ οὔσης*) and offensive (*ἐτέρους εἰς τοῦτο καθιστάσης*) warfare. The letter of the current law seems to

have provided, naturally enough, against *λιποτάξιον* only in the latter case. But much later, after Chae-  
 ronea, the people *ἔψηφίσατο ἐνόχους εἶναι τὴν προδοσίᾳ τοὺς φεύγοντας τὸν ὑπὲρ τῆς πατρίδος κινδύνον*, Lyceurg. Leocr. 53. —**ἀδικοῦντος**: gen. abs., sc. *αὐτοῦ*. —**ἄρα**: calls attention to the absurdity of the idea. The influence of the first *οὐ* at the beginning extends over the whole sentence and makes this second clause practically positive in sense.—**σφόδρα γ' ἂν**: sc. *ἐτέθη*. For the ellipse, see on xii. 34.

29. **κατὰ τὸ προσῆκον**: the metics were expected to serve in war, both in the infantry, Thuc. ii. 13. 7; 31. 2; iv. 90. 1; and in the fleet, i. 143. 1; iii. 16. 1; but not in the cavalry, Xen. Vect. 2. 5. —**ἐτιμήσατε**: e.g. by giving them *ισοτέλεια* (see Introd. § 15), or to fallen metics public burial along with citizens, [Lys.] ii. 66. —**εἰ μὴ κολάσετε**: a ‘minatory’ condition,

**30 παρούση ἀτιμίᾳ;** ἀναμνήσθητε δὲ δι' ὃ τι ποτὲ τοὺς ἄγα-  
185 θοὺς ἄνδρας γεγενημένους περὶ τὴν πόλιν τιμάτε καὶ τοὺς  
κακοὺς ἀτιμάζετε. παρεδείχθη γὰρ ἀμφότερα ταῦτα οὐ  
τῶν γεγενημένων μᾶλλον τι ἔνεκα ἢ τῶν γενησομένων, ὥν  
ἀγαθοὶ προθυμῶνται γίγνεσθαι ἐκ παρασκευῆς, κακοὶ δὲ  
**31 μηδὲ ἐξ ἑνὸς τρόπου ἐπιχειρῶσιν.** ἔτι δὲ ἐνθυμηθῆτε  
190 ποίων ἀν ὑμῖν δοκεῖ οὗτος ὄρκων φροντίσαι, ὃς ἔργῳ τοὺς  
πατρίους θεοὺς προῦδωκεν; ἢ πῶς ἀν χρηστόν τι βουλεῦ-  
σαι περὶ τῆς πολιτείας, ὃς οὐδὲ ἐλευθερῶσαι τὴν πατρίδα  
ἐβουλήθη; ἢ ποῖα ἀν ἀπόρρητα τηρῆσαι, ὃς οὐδὲ τὰ προ-

see on XII. II. On the moral duty involved, see on XII. 23; and cf. Lycurg. Leocr. 74, *χρή τοινν, ὡς ἄνδρες, ὥσπερ τοὺς ἀγαθοὺς ἐπαινεῖτε καὶ τιμάτε, οὕτω καὶ τοὺς κακοὺς μισεῖν τε καὶ κολάζειν.* — *εἰ μή γε, τῇ γε:* the repetition of *γε* adds much to the emphasis, ‘actually,’ ‘at least.’ Cf. Xen. Mem. I. 5. 3, *εἰ γε μηδὲ δοῦλον ἀκρατῆ (intemperate) δεξαίμεθ’ ἀν, πῶς οὐκ ἀξιον ἀντὸν γε (the master much more) φυλάξασθαι τοιῶντον γενέθαι;* — **ἀτιμίᾳ:** rejection at the δοκιμασία may have entailed some loss in full civic rights; see App.

**30. περὶ:** for this use, common in the orators, cf. §§ 24, 34, and Ar. Eq. 764, *εἰ μὲν περὶ τὸν δῆμον τὸν Ἀθηναίων γεγένημαι βέλτιστος ἀνήρ.* — **παρεδείχθη:** used of things set forth or exhibited side by side for comparison; cf. Isocr. XII. 39, *ώσπερ τὴν πορφύραν καὶ τὸν χρυσὸν θεωροῦμεν καὶ δοκιμάζομεν ἔτερα παραδεικνύοντες τῶν καὶ τὴν δύιν ὁμοιαν ἔχοντων καὶ τῆς τιμῆς τῆς αὐτῆς ἀξιονμένων.* Here it is used like the subst. *παράδειγμα,* common in the sense of a model or

example, to be used as a copy or a warning; cf. § 34 and XVI. 14, XXII. 20. — **προθυμῶνται:** sc. οἱ πολῖται; and for the mood, see on XVI. 6. — **ἐκ παρασκευῆς:** intentionally, with fixed purpose, in a good sense, but see on § 26. — **μηδὲ ἐξ ἑνὸς τρόπου:** not by any means, by no manner of means. The separation of *ἐνὸς* from the negative gives much greater emphasis than *μηδενός.* See G. 378; H. 290 a, and cf. XIII. 33, *οὐδ’ ὑφ’ ἑνὸς (ne ab uno quidem) αὐτὸν προσήκει ἐλεεῖσθαι*, and VII. 28, XVI. 10, XXIV. 24.

**31. ὄρκων:** see on § 1. — **φροντίσαι:** with gen., cf. VII. 17. — **ἔργῳ . . . προῦδωκεν:** he had abandoned his country and its gods to the impious Thirty (cf. XII. 99), yet as an ephebus he had sworn, ἀμνῶ δὲ καὶ ὑπὲρ λερῶν . . . καὶ λερὰ τὰ πάτρια τιμήσω. On the oath of the ephebus (here taken from Stob. Serm. xlivi. 48), see Hermann, *Staatsalt.* p. 458. — **ὅς . . . ἐβουλήθη:** the oath also ran, καὶ ἦν τις ἀναιρῆτος θεσμοὺς ἢ μὴ πειθηται, οὐκ ἐπιτρέψω, ἀμνῶ δὲ καὶ μόνος καὶ μετὰ πάντων. — **ἀπόρρητα:** secret

ειρημένα ποιῆσαι ἡξίωσε; πῶς δ' εἰκός ἐστι τοῦτον, ὃς  
195 οὐδὲ τελευταῖος ἐπὶ τοὺς κινδύνους ἥλθε, πρότερον τῶν  
κατεργασαμένων καὶ οὕτω νῦν τιμηθῆναι; σχέτλιον δ'  
ἄν εἴη, εἰ οὗτος μὲν ἄπαντας τοὺς πολίτας περὶ οὐδενὸς  
ἡγήσατο, ύμεις δὲ τοῦτον ἔνα ὅντα μὴ ἀποδοκιμάσαιτε.

32 Ὁρῶ δέ τινας οἱ νῦν μὲν τούτῳ παρασκευάζονται βοη-  
200 θεῖν καὶ δεῖσθαι ύμῶν, ἐπειδὴ ἐμὲ οὐκ ἡδύναντο πεῖσαι·  
τότε δέ, ὅτε οἱ κίνδυνοι μὲν ύμῖν καὶ οἱ μέγιστοι ἀγῶνες  
ἥσαν, τὰ δὲ ἀθλα αὐτὴ ἡ πολιτεία ἔκειτο, καὶ ἔδει οὐ  
μόνον περὶ τοῦ βουλεύειν ἀλλὰ καὶ περὶ τῆς ἐλευθερίας  
βουλεύεσθαι, τότε οὐκ ἐδέοντο αὐτοῦ βοηθῆσαι καὶ ύμῖν  
205 καὶ κοινῇ τῇ πόλει, καὶ μὴ προδοῦναι μήτε τὴν πατρίδα

sessions of the Senate are meant; cf. xiii. 21, εἰσελθών δὲ εἰς τὴν βουλὴν ἐν ἀπορρήτῳ Θεόκριτος μηνύει κτλ. — **κατεργασαμένων**: the work referred to was the freeing of the country, as in § 32. — **καὶ οὕτω**: even in this case. See App. — **ἄπαντας, ἔνα ὅντα**: a favourite antithesis; cf. xxiv. 13, 22. **εἰ οὗτος μὲν . . . περὶ οὐδενὸς ἡγήσατο,** ύμεις δὲ . . . μὴ ἀποδοκιμάσαιτε: the Greek prefers co-ordination in such cases, where we should subordinate the first member, using a word like *while*. This first member (unlike the one in § 24) is not really hypothetical, but denotes a fact (hence *οὐδενός*), while the real hypothesis is in the second member, hence *μὴ*. Cf. xxii. 13, and see GMT. 386, 387, and App. — **περὶ οὐδενός**: see on xii. 7.

32. ὡρῶ δέ τινας: in referring to Philon's *συνήγοροι*, see on xii. 86. Note the double chiasm in the position of *τούτῳ*, *ὑμῶν*, and *ἐμὲ* with regard to their verbs. — **ἔμε . . . πεῖ-**

**σαι**: such attempts would seem to have been common, though the orator may sometimes have invented them to bring out his own devotion to the right. Cf. xxx. 34, πολλὰ δεηθέντες τῶν κατηγόρων ἡμᾶς μὲν οὐδαμῶς ἐπεισαν, and [Lys.] xx. 15, ἐκπράμενοι τοὺς κατηγόρους. Similarly in Ar. *Eg.* 472 sq., the sausage-seller says, καὶ ταῦτα μ' οὕτ' ἀργύριον οὔτε χρυσὸν διδοῦς ἀναπείσεις οὔτε προσπέμπων φίλους, δπως ἐγὼ ταῦτ' οὐκ' Αθηναῖοι φράσω. — **τὰ δὲ ἀθλα**: the art. is used because the pred. noun is definite, ‘the prize.’ G. 956; H. 669 a. — **πολιτεία**: not in the broad sense of *form of government* (as in xii. 74, cf. Plat. *Resp.* 544 D, δυναστεῖαι γὰρ καὶ ὄντατα βασιλεῖαι καὶ τοιαῦτα τινες πολιτεῖαι), but signifying the democracy of Athens. See on xii. 6, and cf. Harp. 8.v., *Ιδίως εἰώθασι τῷ δύναμιτι χρῆσθαι οἱ ῥήτορες ἐπὶ τῆς δῆμοκρατίας*. — **ἔκειτο**: technical word with *ἀθλα*. So also the compound with *προ-*, as

μήτε τὴν βουλήν, ἵς νῦν ἀξιοῖ τυχεῖν οὐ μετὸν αὐτῷ,  
**33** ἄλλων γε κατεργασαμένων. μόνος δῆ, ὁ βουλή, δικαίως  
 οὐδ' ἀν ἀγανακτοίη μὴ τυχών· οὐ γὰρ ὑμεῖς νῦν αὐτὸν  
 ἀτιμάζετε, ἀλλ' αὐτὸς αὐτὸν τότε ἀπεστέρησεν, ὅτε οὐκ  
 210 ἡξίωσεν, ὥσπερ νῦν προθύμως κληρωσόμενος ἥλθε, καὶ  
 τότε διαμαχούμενος περὶ αὐτῆς καταστῆναι μεθ' ὑμῶν.  
**34** Ἰκανά μοι νομίζω εἰρῆσθαι, καίτοι πολλά γε παραλι-  
 πών. ἀλλὰ πιστεύω ὑμᾶς καὶ ἀνευ τούτων αὐτοὺς τὰ  
 συμφέροντα τῇ πόλει γνώσεσθαι. οὐ γὰρ ἄλλοις τισὶν  
 215 ὑμᾶς δεῖ περὶ τῶν ἀξίων ὄντων βουλεύειν τεκμηρίους χρῆ-  
 σθαι ἢ ὑμῖν αὐτοῖς, ὅποιοί τινες ὄντες αὐτοὶ περὶ τὴν  
 πόλιν ἐδοκιμάσθητε. ἔστι γὰρ τὰ τούτου ἐπιτηδεύματα  
 καινὰ παραδείγματα καὶ πάσης δημοκρατίας ἄλλοτρια.

in I. 47, ὁρῶντες οὐλα τὰ ἀθλα πρόκειται  
 τῶν τοιούτων ἀμαρτημάτων.— ἵς : i.e.  
 a seat in the βουλῇ.

**33. ἀτιμάζετε**: see on ἀτιμάζει, § 29.  
 — **ώσπερ νῦν**: here *νῦν* means *lately*,  
 else the choice by lot would be still  
 to come and *ἥκει*, not *ἥλθε*, would be  
 the proper word. — **κληρωσόμενος**:  
 used technically of the candidate, cf.  
 xxiv. 13. Hence *λαγχάνω* is used of  
 the elect, as above in § 2, and in ἡ βουλὴ  
 οἱ πεντακόσιοι οἱ λαχθῶντες τῷ κυάμῳ,  
 law in And. I. 96. — **καὶ τότε**: anacoluthontic  
 after *ὅτε*, caused by the inser-  
 tion of *ώσπερ νῦν κτλ.* — **περὶ**: often  
 used by the orators of the object or  
 stake of a contest; see Lutz, *Präp.*  
 p. 132, and Lys. XIII. 17, ἐναντιώσον-

ται περὶ τῆς ἐλευθερίας, III. 43, περὶ<sup>1</sup>  
 ἐταρας μαχβενοι. — **αὐτῆς**: refers to  
 the Senate.

**34. ικανά μοι κτλ.**: a common way  
 of leading up to the conclusion (cf.  
 xxii. 22, xxiii. 16); employed also  
 at the end of a particular part of a  
 speech, VII. 9, XII. 37. — **καίτοι**:  
 very rare with the participle. GMT.  
 861. See App. — **παραλιπόν**: as if  
*ικανὰ νομίζω εἰρηκέναι* had preceded. —  
**περὶ τὴν πόλιν**: see on § 30. — **καινά**:  
 ‘unheard-of.’ — **παραδείγματα**: bad  
 precedents, *warnings*, cf. § 30; xxvii. 5,  
 ἔσται παράδειγμα τοῦ μὴ ὑμᾶς ἀδικεῖν.  
 — **δημοκρατίας**: on the case after a  
 word denoting the opposite of *pos-*s*ession*, see G. 1143; H. 754 c.

## AGAINST DIOGITON.

### INTRODUCTION.

THE general functions of the modern judge of probate with regard to guardians and wards were in Athens vested in the first archon.<sup>1</sup> Any person who had the right to make a will might in it<sup>2</sup> appoint for his minor children a guardian (*επίτροπος*) or guardians, who had to qualify before the archon.<sup>3</sup> In case of no provision in the will, the archon made the appointment.<sup>4</sup> However appointed, the guardian entered into all the rights of a father, and became the *κύριος*<sup>5</sup> of the children : it was his duty to provide for their support<sup>6</sup> and education,<sup>7</sup> and to manage their property.<sup>8</sup>

The statute law in many of our States directs a guardian to submit an annual account of the condition of his ward's estate. Though there seems to have been no such provision in Athens, yet there were various ways in which the ward's interests were protected. If the archon was informed or himself became cognizant of neglect or maladministration,<sup>9</sup> he might take up the case, and, if unable to settle it by a fine, might bring it before a court.<sup>10</sup> Any citizen could inform against a guardian, for any kind of ill-treatment of his ward, by means of the procedure called *εἰσαγ-*

<sup>1</sup> On the general subject, see M. and S. p. 551ff., adding Arist. *Resp. Ath.* 56. 6 f.; and Hermann, *Rechtsalt.* p. 12 f.;

Smith, *Dict. Antiq.* s.v. *Epitropus.*

<sup>2</sup> *Ἐπιτροπεῖναι κατὰ διαθήκας*, Dem. XLV. 37; *καταλιπεῖν ἐπιτροπον*, cf. Lys. *fragg.* 43, 75.

<sup>3</sup> Isaeus, VI. 36.

<sup>4</sup> *Ἐπιτροπῆς κατάστασις*, Arist. *ibid.* § 6.

<sup>5</sup> Isaeus, I. 10, V. 10. See on Lys. XVI. 10.

<sup>6</sup> Dem. XXVII. 60.

<sup>7</sup> *Ibid.* 46; Plat. *Protag.* 320 A.

<sup>8</sup> M. and S. p. 558 ff.; but see on § 23.

<sup>9</sup> Dem. XXX. 6; Aeschin. I. 158.

<sup>10</sup> Arist. *ibid.* § 7; Dem. XLIII. 75. On fines levied by magistrates, *ἐπιβολατ*, cf. Lys. XXX. 3.

γελία ὁρφανῶν κακώσεως,<sup>11</sup> or in case of mismanagement of the property, by a φάσις μισθώσεως οἴκου.<sup>12</sup> The ἀνάκρισις in either case was conducted by the archon, who of course presided over the ensuing suit in the Heliastic court.

Such were the means of protecting wards during their minority. But at the age of eighteen, the boy, after passing his δοκιμασία,<sup>13</sup> became legally capable of acting for himself. At this time the guardian was obliged to present to him a written inventory of his estate, and an account of receipts and expenditures.<sup>14</sup> If the guardian did not present the account, or if the account submitted was unsatisfactory, the suit called δίκη ἐπιτροπῆς might follow,<sup>15</sup> being brought in the first instance before the archon. In the charge, the ward stated the sum of which he believed that he had been defrauded.<sup>16</sup> The suit was τιμητός,<sup>17</sup> and accuser and accused ran the risk of *epobelia*.<sup>18</sup> The statute of limitations (*προθεσμία*<sup>19</sup>) confined the time within which the suit could be brought to five years.<sup>20</sup>

It was for such a suit that Lysias wrote the speech *Against Diogiton*. This man had been left as guardian of his brother's three children,—two boys and a girl. Eight years later,<sup>21</sup> the

<sup>11</sup> Arist. *ibid.* § 6; cf. § 7, end; M. and S. pp. 358, 562. An example is Isaeus xi. This is of course a different sort of *εἰσαγγελία* from the public impeachments referred to in Introd. n. 167.

<sup>12</sup> M. and S. p. 361; called in Arist. *ibid.* § 6, οἴκου ὁρφανικοῦ κακώσεως. See below, on § 23.

<sup>13</sup> See Introd. § 8.

<sup>14</sup> ληγός τῆς ἐπιτροπῆς. Cf. § 25, and Dem. xxxvi. 20, xxxviii. 15; see M. and S. p. 561.

<sup>15</sup> M. and S. p. 562, who compare the Roman suit de rationibus distractis or actio tutelae privata.

<sup>16</sup> Cf. [Dem.] xxix. 31, ἔστιν οὖν τὸν μὲν ἐγκλήματος ἀρχὴ 'τάδ' ἐγκαλεῖ Δημο-

σθένης 'Αφέβω· ἔχει μοῦ χρήματ' 'Αφοβος ἀπ' ἐπιτροπῆς ἔχμενα, δύδοήκοντα μὲν πνᾶς' κτλ. In the Diogiton case, the actual claim was set forth in the young man's charge and opening speech, and may have been repeated in the part of the present oration that is not preserved by Dionysius.

<sup>17</sup> See Introd. § 45. The penalty, however, would be in money only, hence the words τοὺς ἐσχάτους κινδύνους in § 2 were mere bravado.

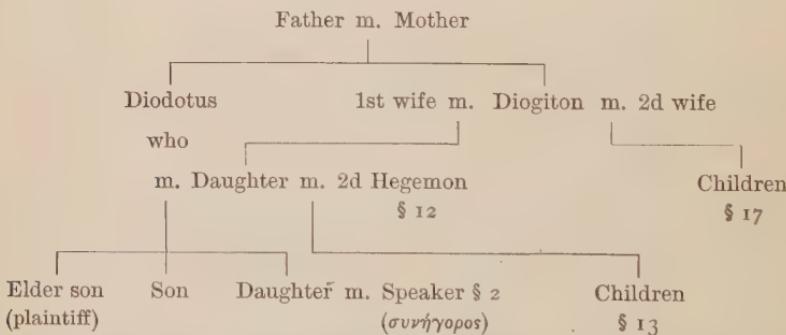
<sup>18</sup> See Introd. § 49, and M. and S. pp. 563, 951.

<sup>19</sup> See p. 4.

<sup>20</sup> Dem. xxxviii. 17, 27.

<sup>21</sup> § 9.

elder son, when he came of age, was told to his consternation that he had nothing to receive from his father's estate. He had had reason to suppose that it was large, amounting originally to thirteen talents<sup>22</sup> at the least; he now heard that his father had left a mere trifle.<sup>23</sup> Documents,<sup>24</sup> however, through the accidental discovery of an account-book,<sup>25</sup> forced Diogiton to admit that he had received nine talents and forty minae.<sup>26</sup> But the guardian asserted that it was all spent: two talents on dowries,<sup>27</sup> the rest on the children during their minority.<sup>28</sup> After all possible efforts at a private settlement had been made,<sup>29</sup> there was nothing for the wards to do but to sue their guardian, who was also their grandfather and their uncle.<sup>30</sup> The elder son was the actual prosecutor; but, after a brief opening speech, he left the main treatment of the case to a *συνήγορος*,<sup>31</sup> his brother-in-law, for whom Lysias wrote the speech before us. The somewhat complicated family relations are made clearer by the following genealogical table:



The closeness of the relationships between the parties in this suit makes the plight of the orphans seem wretched beyond all example; but in giving our sympathy we must remember that in this, as in most other ancient suits, we hear only one side.

<sup>22</sup> §§ 4, 5, 6.

<sup>26</sup> 7 talents, 40 minae (§ 14) + 2 talents.

<sup>23</sup> Twenty minae and thirty Cyzicene staters, § 9.

(§ 15).

<sup>24</sup> § 14.

<sup>27</sup> §§ 6, 8.

<sup>28</sup> § 20.

<sup>29</sup> §§ 1-3.

<sup>25</sup> § 15.

<sup>30</sup> § 5, and see on § 4.

<sup>31</sup> See Introd. § 36.

Diogiton probably had some explanation to offer in his defence, though, in the face of the evidence against him, it is very hard to conjecture what his defence could have been.<sup>32</sup> But suits between wards and guardians were too common for the good name of the Athenians, and in no other instance does the great lack of truth and probity which we constantly have to lament in this people come out more strongly.<sup>33</sup> We know that at least seven of the ten famous orators were often employed in such cases,<sup>34</sup> among which that of Demosthenes against his own guardians is the best known. A whole class of λόγοι ἐπιτροπικοί or ὁρφανικοί once existed in the MSS. of Lysias,<sup>35</sup> but not one remains in them to-day.

We owe the fragment of the speech against Diogiton to the admiration it excited in Dionysius of Halicarnassus,<sup>36</sup> who copied it out, adding notes of his own, in the chapter on Lysias contained in his *Commentaries on the Ancient Orators*. He criticized it almost entirely from the standpoint of the rhetorician. Finding in it a remarkable example of excellence in the προοίμιον, διήγησις,<sup>37</sup> and main arguments, he quoted those parts only, omitting some of the arguments as well as the ἐπίλογος, a part in which Lysias, according to rhetorical rules, was not by any means strong.<sup>38</sup> The views of Dionysius will be found below in his own words.

<sup>32</sup> In this connexion it is a pity that the whole of the speech written by Lysias for a guardian who was accused under a δίκη ἐπιτροπῆς by his wife's brothers has not been preserved. In the fragment (43), the speaker talks as if guardians were a common mark for 'sycophantic' orphans.

<sup>33</sup> M. and S. p. 561. Legacies were sometimes left to the guardian to remove the temptation to steal from his wards; Dem. xxvii. 5, 45, 65. See also the case of an elder brother and guardian accused of defrauding his ward, Lys. x. 5. The judges had the reputation of siding with wards, pre-

sumably the weaker parties; cf. Dem. xxxviii. 20.

<sup>34</sup> M. and S. p. 550 f.

<sup>35</sup> We have the titles of at least eight; M. and S. *ibid.*

<sup>36</sup> The famous literary critic and rhetorician, who died about the beginning of our era. The lexicographer Photius (ninth century A.D.) also praises the speech in the highest terms (Cod. 262).

<sup>37</sup> These terms are explained as they occur below in Dionysius.

<sup>38</sup> Blass thinks that we have about two-thirds of the whole speech: *Att. Bereds.* I, p. 613.

But the speech deserves admiration for a quality more interesting to modern readers. This consists in the *ἡθοποιία* or delineation of the character of Diogiton and of his daughter. Diogiton is the type of heartlessness, and his utter lack of any natural feeling for his grandchildren comes out in the words with which he drives away the boy,<sup>39</sup> and all the more clearly for the thin pretence of affection which he has made but a moment before. Bitter irony, sarcastic play upon words, and sharp antithesis are all used to exhibit him in his true light.<sup>40</sup> The figure of the woman is even better drawn, and the scene in which she appears and the words she speaks are something unique in Greek prose.<sup>41</sup> She finds herself driven, contrary to all the prejudices of an Athenian woman in that age, to speak in a meeting of men, and, not only that, but to speak against her own father. The struggle against the power of custom is great, but the mother's heart is the stronger, and in her words we have its natural outpourings. There is nothing rhetorical nor artificial in what she says: it is not the railing complaint of a woman in a passion, but an appeal which is full of pathos and dignity.<sup>42</sup>

The date of this suit can be pretty closely determined. The defeat of Thrasylus at Ephesus, where Diodotus died, was in the Spring of 409 B.C.<sup>43</sup> The elder son was under guardianship for eight full years.<sup>44</sup> Hence, allowing for the attempts at arbitration and for the necessary preliminaries, the suit cannot have been tried until late in 401 B.C.; probably it came on then or soon after.

<sup>39</sup> σκόπει αὐτὸς ἡδη πόθεν ξέεις τὰ ἐπιτήδεια, § 9; cf. Blass, *ibid.* p. 614.

<sup>40</sup> §§ 22, 23, 25; Blass, *ibid.* p. 614.

<sup>41</sup> §§ 11–18.

<sup>42</sup> The asyndeton in § 16, as Blass observes, is entirely natural here; so also the mention of the gods in §§ 13, 17. Rauchenstein notes that the woman's reference to Diogiton's treatment of his other children (§ 17) is made without envy, and more in sorrow than

in anger. On the *δριμύτης*, or staccato effect, natural in a woman's language, see Gildersleeve, *A. J. P.* IX, p. 151, and Devries, *Ethopoia*, p. 48.

<sup>43</sup> Xen. *Hellen.* i. 2. 9. Those who, like Jebb, set the date at 410, retain as genuine the opening section of this chapter. The date of the archon Glauccippus, mentioned in Dionysius's hypothesis, is 410–9.

<sup>44</sup> §§ 20, 29; see on § 9.

## ΚΑΤΑ ΔΙΟΓΕΙΤΟΝΟΣ.

"Ινα δὲ βέλτιον τῷ βουλομένῳ ἐγγένηται μαθεῖν, εἴτε ὄρθως ἡμεῖς ταῦτα καὶ προσήκοντας πεπείσμεθα, εἴτε καὶ διημαρτύκαμεν τὴν κρίσιν, τὴν ἔξετασιν ἀπὸ τῶν ὑπ' ἐκείνου γραφέντων ποιήσομαι, προχειρισάμενός τε ἔνα λόγον — οὐ γὰρ ἐγχωρεῖ πολλοῖς χρῆσθαι παραδείγμασιν — ἐξ ἐκείνου τὴν τε προαίρεσιν καὶ τὴν δύναμιν τοῦ ἀνδρὸς ἐπιδείξομαι, ἀποχρῆν οἰόμενος ψυχᾶς εὐπαιδεύτοις καὶ μετρίαις μικρά τε μεγάλων καὶ ὀλίγα πολλῶν γενέσθαι δείγματα. ἔστι δὲ ὁ λόγος ἐκ τῶν ἐπιτροπικῶν, ἐπιγραφόμενος Κατὰ Διογείτονος, ὑπόθεσιν δὲ ἔχων τοιάδε·

Διόδοτος, εἰς τῶν μετὰ Θρασύλλου καταλεγέντων ἐν τῷ Πελοποννησιακῷ πολέμῳ, μέλλων ἐκπλεῦν εἰς τὴν Ἀσίαν ἐπὶ Γλαυκίππου ἄρχοντος, ἔχων νήπια παιδία, διαθήκας ἐποιήσατο, καταλιπὼν αὐτοῖς ἐπίτροπον τὸν ἕαντοῦ μὲν ἀδελφὸν Διογείτονα, τῶν δὲ παιδίων θεῖόν τε καὶ πάππον ἀπὸ μητρός. αὐτὸς μὲν οὖν ἐν Ἐφέσῳ μαχόμενος ἀποθνήσκει· Διογείτων δὲ πᾶσαν τὴν οὐσίαν τῶν ὄρφανῶν διαχειρισάμενος καὶ ἐκ πολλῶν πάντων χρημάτων οὐδὲν ἀποδεῖξας αὐτοῖς, ἔτι περὶών κατηγορεῖται πρὸς ἑνὸς τῶν μειρακίων δοκιμασθέντος κακῆς

ON DIONYSIUS. **κρίσιν**: ordinarily a legal word, but here used in the rare sense of one's *critical judgment*. Cf. γνώμη διαμαρτών, Dem. xxiv. 48, 110. — **προχειρισάμενος**: *having first treated*, a sense common in Aristotle; but cf. διεχειρίζεν, § 27. — **προαίρεσιν**: in classical Greek often signifying a course deliberately chosen in life or politics, or a form of government; here used of Lysias's *method*. — **ψυχᾶς**: *persons*, cf. N. T. *Acts* ii. 41 and 43.

— **μετρίαις**: *reasonable*. See on xvi. 3. — **ἐπιτροπικῶν**: see p. 155. — **Πελοποννησιακῷ**: a rare adj. in Attic, used in Plat. Legg. 708 A. — **ἀπὸ μητρός**: *on the mother's side* (cf. Dem. xlvi. 56), but πρὸς is more common in the orators in this sense. See Lutz, *Präp.* p. 155. — **πρὸς ἑνὸς**: either (1) *by one*, πρὸς being used sometimes in Attic for ὑπὲ, or (2) *in the name or interest of one*; on both usages, see Kühn. II, p. 447 f. — **κακῆς ἐπιτροπῆς**: *not the*

ἐπιτροπῆς. λέγει δὲ κατ' αὐτοῦ τὴν δίκην ὁ τῆς ἐκείνου μὲν θυγατριδῆς, τῶν δὲ μειρακίων ἀδελφῆς ἀνήρ.

προσβαλον δὲ τὴν ὑπόθεσιν ἵνα μάλλον γένηται καταφανὲς εἰ μετρίᾳ καὶ προσηκούσῃ τῇ ἀρχῇ κέχρηται. — DION. II., V, p. 497 ff. R.

1 Εἰ μὲν μὴ μεγάλα ἥν τὰ διαφέροντα, ὡς ἄνδρες δικασταί, οὐκ ἂν ποτε εἰς ὑμᾶς εἰσελθεῖν τούτους εἴαστα, νομίζων αἰσχιστον εἶναι πρὸς τοὺς οἰκείους διαφέρεσθαι, εἰδὼς τε ὅτι οὐ μόνον οἱ ἀδικοῦντες χείρους ὑμῶν εἶναι δοκοῦσιν, ἀλλὰ καὶ οἵτινες ἀν ἔλαττον ὑπὸ τῶν προσηκόντων ἔχοντες ἀνέχεσθαι μὴ δύνωνται· ἐπειδὴ μέντοι, ὡς ἄνδρες δικασταί, πολλῶν χρημάτων ἀπεστέρηνται καὶ πολλὰ καὶ δεινὰ πεπονθότες ὑφ' ὧν ἥκιστα ἔχρην ἐπ' ἐμὲ κηδεστὴν ὅντα κατέφυγον, ἀνάγκη μοι γεγένηται 2 εἰπεῖν ὑπὲρ αὐτῶν. ἔχω δὲ τὴν τούτων μὲν ἀδελφήν, Διογείτονος δὲ θυγατριδῆν, καὶ πολλὰ δεηθεὶς ἀμφοτέρων τὸ μὲν πρώτον ἔπειστα τοῖς φίλοις ἐπιτρέψαι δίαιταν, περὶ

Attic phrase, for which see p. 153. Moeris p. 143 ridicules it: *τὸ γὰρ κακῆς ἐπιτροπῆς ἀνόητον· ἀγαθῆς γὰρ οὐδεὶς δικάζεται.* — λέγει τὴν δίκην: this phrase seems to take the place of the usual *συνδικεῖ ορ συνηγορεῖ.* Cf. Dinarch. I. III, τὰς δίκας λέγοντος ὑπὲρ Κτησίππου καὶ Φορμίων.

1. **τὰ διαφέροντα:** *the issues at stake*, but see on XXXI. 5. — *εἰς ὑμᾶς:* cf. XXXI. 1. — **τούτους:** although the elder son was the real plaintiff, doubtless the younger was also in court, if only to excite pity. — **αἰσχιστον:** a public quarrel or a suit between kindred was a scandal. Cf. Isaeus, I. 6, ἐγὼ μὲν γὰρ οὐχ ὅτι ἀδίκως κινδυνεύω, τοῦθ' ἡγοῦμαι μέγιστον εἶναι τῶν παρόντων κακῶν, ἀλλ' ὅτι ἀγωνίζομαι

*πρὸς οἰκείους, οὓς οὐδὲ ἀμύνεσθαι καλῶς ἔχει.* See the long excuse at the opening of [Dem.] XLVIII. — **τέ:** a simple connective. Cf. § 22, and see on XXXI. 2. — **χείρους:** for the meaning, see on XVI. 3. — **ἔλαττον ἔχοντες:** ‘being taken at a disadvantage,’ cf. Plat. Rep. 343 D, δίκαιος ἀνήρ ἀδίκου πανταχοῦ ἔλαττον ἔχει. Here almost = defrauded. Cf. XII. 49. — **ὑφ' ὧν ἥκιστα ἔχρην:** a common phrase; cf. § 10, and Cic. Fam. v. 1, video . . . me desertum a quibus mihi nime conveniebat. — **κηδεστὴν:** the word signifies any connexion by marriage, affinis, here brother-in-law; see the genealogy on p. 154.

2. **πολλὰ δεηθεὶς ἀμφοτέρων:** cf. XXX. 34, quoted on XXXI. 32. — **τοῖς φίλοις:** thus Demosthenes before

πολλοῦ ποιούμενος τὰ τούτων πράγματα μηδένα τῶν ἄλλων εἰδέναι· ἐπειδὴ δὲ Διογείτων ἀ φανερῶς ἔχων ἐξ-  
 15 ηλέγχετο, περὶ τούτων οὐδενὶ τῶν αὐτοῦ φίλων ἐτόλμα  
 πείθεσθαι, ἀλλ' ἐβουλήθη καὶ φεύγειν δίκας καὶ μὴ οὕσας  
 διώκειν καὶ ὑπομένειν τοὺς ἐσχάτους κινδύνους μᾶλλον ἢ  
 τὰ δίκαια ποιῆσας ἀπηλλάχθαι τῶν πρὸς τούτους ἐγκλη-  
 3 μάτων, ὑμῶν δέομαι, ἐὰν μὲν ἀποδείξω οὗτως αἰσχρῶς  
 20 αὐτὸὺς ἐπιτετρόπευμένους ὑπὸ τοῦ πάππου ὡς οὐδεὶς πώ-  
 ποτε ὑπὸ τῶν οὐδὲν προσηκόντων ἐν τῇ πόλει, βοηθεῖν  
 αὐτοῖς τὰ δίκαια, εἰ δὲ μή, τούτῳ μὲν ἀπαντα πιστεύειν,  
 ἥμᾶς δὲ εἰς τὸν λοιπὸν χρόνον ἥγεινθαι χείρους εἶναι. ἐξ  
 ἀρχῆς δ' ὑμᾶς περὶ αὐτῶν διδάξαι πειράσομαι.

bringing suit against his guardians would have preferred περὶ ὧν διαφερόμεθα τοῖς οἰκεῖοις ἐπιτρέπειν, xxvii. 1, cf. xxx. 2, where he says the guardian ought ἐν τοῖς φίλοις διαδικάσασθαι ('settled up') τὰ πρὸς ἐμέ. — **ἐπιτρέψαι δίαιταν**: a standing phrase; cf. frag. 16. 2, οὐδεπώποτ' ἡθέλησε συνελθεῖν . . . οὐδὲ δίαιταν ἐπιτρέψαι, [Dem.] lxx. 45, συνῆγον αὐτὸὺς οἱ ἐπιτήδειοι καὶ ἐπεισαν δίαιταν ἐπιτρέψαι αὐτοῖς. Private, not public (Smith, *Dict. Antiq.* s.v. *Diaetae*, I, p. 620, 623) arbitrators are meant. They were chosen from persons named by both sides, and arranged a meeting such as that described in § 12 ff. Ordinarily the parties bound themselves to abide by the decision given. See Schoemann, *Gr. Alt.* I, 501; Gilbert, *Antiq.* p. 391. — **ἀ φανερῶς κτλ.**: observe that the relative clause stands first. See on xii. 43 and cf. xxiv. 22. — **ἐτόλμα**: for the meaning, cf. §§ 15, 20, and see on xii. 5. — **μὴ οὕσας διώκειν**: bring suit to set aside

*his default*. When a party to a suit in an ordinary court did not appear, he lost it by default (ἐρήμην ὅφλεῖν, sc. δίκην, Poll. viii. 60, cf. Plat. *Apol.* 18 C, ἐρήμην κατηγοροῦντες). But if his absence was due to illness or other good reason, he might enter a new suit to set his default aside (τὴν δίκην ἀντιλαχεῖν, Poll. viii. 61). When the default occurred before the public arbitrators, this new suit was called ἡ μὴ οὕσα δίκη, and the suitor was said τὴν μὴ οὕσαν ἀντιλαχεῖν, Poll. viii. 60; cf. M. and S. p. 974. — **τοὺς ἐσχάτους κινδύνους**: see p. 153, note 17. — **πρὸς**: 'on the part of.' See on xvi. 10.

3. **ἐπιτετροπευμένους**: reduplicated like a real compound. Cf. Thuc. i. 132, ἐπετρόπευεν, and see App. to xii. 73. — **τὰ δίκαια**: cogn. acc. (G. 1054; H. 716 b); cf. v. 1, δοκεῖ αἰσχρὸν εἶναι . . . μὴ βοηθῆσαι Καλλιά τὰ δίκαια. — Here the proem ends and the comments of Dionysius follow.

Τοῦτο τὸ προοίμιον ἀπάσας ἔχει τὰς ἀρετὰς ὅσας δεῖ τὸ προοίμιον ἔχειν. δηλώσουσι δὲ οἱ κανόνες αὐτῷ παρατεθέντες οἱ τῶν τεχνῶν. ἄπαντες γὰρ δή που παραγγέλλουσιν οἱ συνταξάμενοι τὰς τέχνας, ὅταν γὰρ πρὸς οἰκείους ὁ ἀγών, σκοπεῦν ὅπως μὴ πονηροὶ μηδὲ φιλοπράγμονες οἱ κατήγοροι φανήσονται· κελεύοντος τε πρῶτον μὲν τὴν αἰτίαν εἰς τὸν ἀντιδίκους περιսτάναι καὶ τοῦ ἐγκλήματος καὶ τοῦ ἀγώνος, καὶ λέγειν ὅτι μεγάλα τάδικήματα καὶ οὐκ ἐνīν αὐτὰ μετρίως ἐνεγκεῖν, καὶ διτούς ἀναγκαιοτέρων προσώπων ὁ ἀγών καὶ ἐρήμων καὶ ἡττῶν ὑπεροφθῆναι δξίων, οἷς μὴ βοηθοῦντες κακίους ἀν ἐφάνησαν, καὶ διτούς προκαλούμενοι τὸν ἀντιδίκους εἰς διαλλαγὰς καὶ φίλοις τὰ πράγματα ἐπιτρέποντες καὶ τὰ δυνατὰ ἐλαττοῦσθαι ὑπομένοντες οὐδενὸς ἡδυνήθησαν τυχεῖν τῶν μετρίων. ταῦτα μὲν δὴ παραγγέλλουσι ποιεῖν οἱ τεχνογράφοι, ἵνα τὸ ἥθος τοῦ λέγοντος ἐπιεικέστερον εἶναι δόξῃ. δύναται δὲ αὐτοῖς εὔνοιαν τοῦτο ποιεῖν καὶ ἔστι κράτιστον τῆς κατασκευῆς μέρος. ταῦθ' ὅρῳ πάντα διὰ τοῦ προοιμίου τοῦδε γεγονότα. καὶ μὴν εἴς γε τὸ εὑμάθεις τὸν ἀκροατὰς ποιῆσαι κελεύονται συστρέψαντας εἰπεῖν τὸ πρᾶγμα, ἵνα μὴ ἀγνοῶσι τὴν ὑπόθεσιν οἱ

ON DIONYSIUS. τεχνῶν: *systems*, *methods*, *τέχνη* being the regular name for a treatise on rhetoric from the time of Corax and Tisias down. See Introd. § 11, and cf. *τεχνογράφοι*, below.—παραγγέλλουσιν: *recommend*.—φιλοπράγμονες: generally means *meddlesome*, like *πολυτράγμων*, xxiv. 24, but here *litigious*, *pettifogging*. Cf. *πράγματα*, xii. 3, and *φιλοπραγμόσνη*, Dem. xxxix. 1.—τὴν αἰτίαν ... περιστάναι: cf. [Dem.] xl. 20, *περιστάναι τὰς αὐτῶν συμφορὰς εἰς ἔμε*. Cf. the *intrans.* tense *περιέστηκε*, xii. 64.—ἀναγκαιοτέρων: on the meaning of the comparative, see H. 649 a.—προσώπων: *persons*, a late usage in this general sense; cf. *persona*.—κακίους: for the meaning, see on *χειρός*, xvi. 3.—φίλοις . . . ἐπιτρέποντες: sc. for arbitration, see above, § 2; and on the force of the tense,

see G. 1255; H. 825.—τὰ δυνατὰ ἐλαττοῦσθαι: the verb is used in its idiomatic sense of exacting less than one's due, *waive one's rights*. Cf. [Lys.] II. 64; Thuc. i. 77, *καὶ ἐλασσούμενοι γὰρ ἐν ταῖς ξυρβολαῖς πρὸς τοὺς ξυμμάχους δίκαιοι*. The acc. *τὰ δυνατὰ* is cognate; see on § 3. For the two, cf. [Dem.] lvi. 14, *ἥγονόμενοι δεῖν ἐλαττοῦσθαι τι καὶ συγχωρεῖν ὥστε μὴ δοκεῖν φιλοδικοὶ εἶναι*.—ὑπομένοντες: *having the patience*, with inf. GMT. 903, 2.—οὐδενὸς . . . μετρίων: so Dem. xxx. 1, οὐδενὸς ἐδυνήθην τυχεῖν τῶν μετρίων.—αὐτοῖς: *i.e.* for speakers.—ποιεῖν: *i.e.* *παρέχειν*. Cf. Plat. *Apol.* 20 D, *κάγὼ ὑμῖν πειράσομαι ἀποδεῖξαι τῇ ποτ’ ἔστι τοῦτο ὃ ἐμοὶ πεποίηκε τό τε δυομα καὶ τὴν διαβολήν*.—κατασκευῆς: a rhetorical term for the *constructive reasoning* in an argument as opposed to the *destructive*, *ἀνασκευή*.—συστρέ-

δικασταί, καὶ οἳα περ ἀν γῇ τὰ μέλλοντα λέγεσθαι, τοιοῦτο καὶ τὸ προούμιον ὑποτίθεσθαι ἀπ' ἀρχῆς, καὶ δεῖγμα τοῦ πράγματος ποιουμένους εὐθὺς ἀπ' ἐνθυμημάτων πειρᾶσθαι ἀρχεσθαι. ἔχει δὴ καὶ ταῦτα τὸ προούμιον. ἔτι περὶ τῆς προσοχῆς ὡδέ πως τεχνολογοῦσιν, ὅτι δεῖ τὸν προσεκτικὸν μέλλοντα ποιεῖν τοὺς ἀκροατὰς καὶ λέγειν θαυμαστὰ καὶ παράδοξα καὶ δεῖσθαι τῶν δικαστῶν ἀκοῦσαι. φαίνεται δὴ καὶ ταῦτα πεποιηκὼς ὁ Λυσίας. καὶ πρόσεστι τούτοις τὸ λεῖον τῆς ἐρμηνείας καὶ τὸ ἀφελὲς τῆς κατασκευῆς, ὃν μάλιστα δεῖ τοῦς ὑπὲρ ἔκείνων προσιμιαζομένους.

\*Αξιον δὲ καὶ τὴν διήγησιν ὡς φόκονόμηται καταμαθεῖν. ἔχει δὲ οὕτως.

**4** Ἐδελφοὶ ἥσαν, ὡς ἄνδρες δικασταί, Διόδοτος καὶ Διογείτων ὁμοπάτριοι καὶ ὁμομήτριοι, καὶ τὴν μὲν ἀφανῆ οὐσίαν ἐνείμαντο, τῆς δὲ φανερᾶς ἐκοινώνουν. ἐργασαμένου δὲ Διοδότου κατ' ἐμπορίαν πολλὰ χρήματα πείθει αὐτὸν Διογείτων λαβεῖν τὴν ἑαυτοῦ θυγατέρα, ἥπερ ἦν

**ψαντας**: a military term used of solid formations (*cf.* Xen. *Hellen.* vi. 4. 12, ἐπὶ πεντήκοντα ἀσπίδων συνεστραμμένοι ἥσαν), employed by rhetoricians to signify conciseness and brevity. *Cf.* Aeschin. iii. 100, *συστρέψας γράφει*. — **ἐνθυμημάτων**: arguments. — **προσοχῆς**: we aim at three points in a προούμιον (*exordium*), says the Auct. ad Herenn. i. 6, *ut attentos, ut docilis, ut benevolos auditores habere possimus*. Of the historian, Lucian says (*Hist. Conscr.* 53): *ὅπταν δὲ καὶ φροιμάζηται, ἀπὸ δυοῖν μόνον ἀρξεται, οὐχ ὕσπερ οἱ ρήτορες ἀπὸ τριῶν, ἀλλὰ τὸ τῆς ἐνόλας παρεῖς προσοχὴν καὶ εὐμάθειαν εὐπορήσει τοῖς ἀκούουσι*. — **τεχνολογοῦσιν**: another rhetorical word. — **παράδοξα**: see on *xvi. 1.* — **τὸ λεῖον**: the use of the neut. of the adj. for the corresponding abstract, so common in Thucy-

dides. — **ἔκείνων**: *sc.* τῶν ἀναγκαιοτέρων προσώπων. — **διήγησιν**: the regular rhetorical term for the narrative part of a speech, ‘statement of the case.’

**4. ἀφανῆ οὐσίαν**: Harpocration says, ἀφανῆς οὐσίᾳ καὶ φανερά· ἀφανῆς μὲν ἡ ἐν χρήμασι καὶ σώμασι καὶ σκεύεσι, φανερὰ δὲ ἡ ἔγγειος. This is the general distinction like our *personal* and *real* estate, but frequently slaves, cattle, valuable house-furnishings, and money in the bank were classed under φανερά. *Cf.* xii. 83. See Hermann, *Privatalt.* p. 96 f. — **ἐνείμαντο**: the regular word used of the division of an inheritance; *cf.* *xvi. 10.* — **ἐργασαμένου**: *cf.* [Dem.] *lvii.* 34, πολλὰ χρήματ' εἰργασμένοι παρὰ τὴν σιτηγίαν τὴν *els* 'Ρόδον. — **πείθει αὐτὸν κτλ.**: marriages between kinsfolk

30 αὐτῷ μόνῃ· καὶ γίγνονται αὐτῷ ὑεῖ δύο καὶ θυγάτηρ.  
 5 χρόνῳ δὲ ὕστερον καταλεγεὶς Διόδοτος μετὰ Θρασύλλου  
 τῶν ὄπλιτῶν, καλέσας τὴν ἑαυτοῦ γυναῖκα, ἀδελφιδῆν  
 οὖσαν, καὶ τὸν ἐκείνης μὲν πατέρα, αὐτοῦ δὲ κηδεστὴν καὶ  
 ἀδελφόν, πάππον δὲ τῶν παιδίων καὶ θεῖον, ἥγούμενος διὰ  
 35 ταύτας τὰς ἀναγκαιότητας οὐδενὶ μᾶλλον προσήκειν  
 δικαιώπερι τοὺς αὐτοῦ παῖδας γενέσθαι, διαθήκην αὐτῷ  
 δίδωσι καὶ πέντε τάλαντα ἀργυρίου παρακαταθήκην.  
 6 ναυτικὰ δὲ ἀπέδειξεν ἐκδεδομένα ἐπτὰ τάλαντα καὶ τεττα-  
 ράκοντα μνᾶς, . . . δισχιλίας δὲ ὄφειλομένας ἐν Χερρο-

were not forbidden in Athens, and were sometimes all but directed by law (see on xxiv. 14), the object being to keep property in the family. Even a half-brother (not a full-brother) and sister by the same father might marry. Lysias himself married his sister's daughter (see Introd. § 23). A marriage like that of Diodotus with his brother's daughter, though allowed in Athens, was unheard of in Rome before the Emperor Claudius married Agrippina (Tac. Ann. xii. 5). — *νεῖ*: see App.

5. *χρόνῳ δὲ ὕστερον*: on the date, see p. 156. — *καταλεγεὶς*: the regular word, see on xvi. 13. For the part. gen., cf. xxx. 8, οὐδὲ τῶν πεντα-  
 κισχιλίων κατελέγην, and xxiv. 13. — *Θρασύλλου*: a noted general in the Peloponnesian war, an opponent of the Four Hundred (Thuc. viii. 73), esp. at Samos (*ibid.* 75), where he was general with Thrasybulus (*ibid.* 76) and defeated the Peloponnesians off Cynossema (*ibid.* 104 f.). See also on § 7. Having been one of the generals at Arginusae (Xen. *Hellen.* i. 7. 29),

he was put to death. Cf. Paus. vi. 7. — *ἀναγκαιότητας*: a word found only here in Attic Greek, but used in Polyb. xviii. 51. 10; see App. Thalheim compares Dem. xlvi. 54, τὰ τῆς συγγενεᾶς ἀναγκαῖα.

6. *ναυτικά*: sc. *χρήματα*, § 7. Money lent on 'bottomry' (i.e. the security being the ship and her cargo) is meant. As the risk was apt to be great, the interest charged was often very high, running up to 30 per cent or thereabouts; see Boeckh, *Staatsh.* I, p. 166 ff. — *ἐκδεδομένα*: used as a mercantile word (for a different use, see § 8). Cf. Bekker, *Anec.* p. 247, 21: ἔκδοσις· τὸ ἔξωθεν τῆς πόλεως δά-  
 νεισμα, τὸ ἐπὶ ναυσὶ καὶ φορτίοις διδό-  
 μενον. Ήν δὲ τὰ τοιαῦτα ἐπισφαλῆ μέν,  
 πολύτοκα δέ. — *μνᾶς* . . . : see App. — *δισχιλίας*: the word δραχμᾶς is here, as often, purposely omitted. A sum as large as 2000 *minae* was expressed in talents. A man like Diodotus could not have possessed it. — *Χερρονήσῳ*: there were many Athenian settlers in the Thracian Chersonese. Cf. And. iii. 13 ff., *τίνος*

40 *νήσω*. ἐπέσκηψε δέ, ἔάν τι πάθη, τάλαντον μὲν ἐπιδοῦναι τῇ γυναικὶ καὶ τὰ ἐν τῷ δωματίῳ δοῦναι, τάλαντον δὲ τῇ θυγατρί. κατέλιπε δὲ καὶ εἴκοσι μνᾶς τῇ γυναικὶ καὶ 7 τριάκοντα στατῆρας κυζικηνούς. ταῦτα δὲ πράξας καὶ οἴκοι ἀντίγραφα καταλιπὼν ὤχετο στρατευσόμενος μετὰ 45 Θρασύλλου. ἀποθανόντος δὲ ἐκείνου ἐν Ἐφέσῳ Διογεί- των τὴν μὲν θυγατέρα ἔκρυπτε τὸν θάνατον τοῦ ἀνδρός, καὶ τὰ γράμματα λαμβάνει ἄ κατέλιπε σεσημασμένα, φάσκων τὰ ναυτικὰ χρήματα δεῖν ἐκ τούτων τῶν γραμμα- 8 τείων κομίσασθαι. ἐπειδὴ δὲ χρόνῳ ἐδήλωσε τὸν θάνα- 50 τον αὐτοῖς καὶ ἐποίησαν τὰ νομιζόμενα, τὸν μὲν πρῶτον ἐνιαυτὸν ἐν Πειραιεῖ διητῶντο· ἀπαντα γὰρ αὐτοῦ κατελέ- λειπτο τὰ ἐπιτήδεια· ἐκείνων δ' ἐπιλειπόντων τοὺς μὲν παιᾶς εἰς ἄστυ ἀναπέμπει, τὴν δὲ μητέρα αὐτῶν ἐκδίδω- σιν ἐπιδοὺς πεντακισχιλίας δραχμάς, χιλίαις ἔλαττον ὅν

ἔνεκα πολεμήσωμεν; . . . Χερρόνησον καὶ τὰς ἀποκλαίας καὶ τὰ ἐγκτήματα καὶ τὰ χρέα ἵνα ἀπολάβωμεν; — **ἐπέσκηψε**: a common word in describing a man's parting or dying wishes. — **ἔάν τι πάθη**: a euphemism, like *si quid humani accidisset*. — **ἐπιδοῦναι**: for the meaning, see on xvi. 10. — **δωματίῳ**: cf. xii. 10. — **δοῦναι**: see App. — **κυζικηνούς**: see p. 206.

7. **ἀντίγραφα**: *copies* of the will (the original given to Diogiton, § 5). On the practice of leaving copies with friends, see Becker, *Charicles* (Engl. trans.), p. 171, M. and S., p. 597. — **ἐν Ἐφέσῳ**: where Thrasyllus was defeated in the spring of 409 b.c. by Tissaphernes and the Syracusans; Xen. *Hellen.* i. 2. 9. — **ἔκρυπτε**: with two accs. G. 1069; H. 724. Cf. Xen. *Anab.* i. 9. 19, **ὅσα ἐπέπατο τις, ἥκιστα**

*Kύρον ἔκρυπτεν. — τὰ γράμματα : the papers. — ἐκ*: a somewhat rare use, but cf. Isocr. xvii. 21, *τὰ χρήματ'* ἐκ τῶν συγγεγραμμένων . . . ἀποδέσει

and Lutz, *Präp.* p. 51.

8. **τὰ νομιζόμενα**: as the bones were evidently not brought home in this case, the 'last honours' (see on xii. 18, 21, 96) here means the building of a cenotaph (cf. § 21) at which yearly libations would be made. — **ἐν Πειραιεῖ**: as Diodotus had been engaged in commerce. — **εἰς ἄστυ**: Diodotus and Diogiton may have owned together (cf. § 4, *τῆς δὲ φανερᾶς ἑκοινώνουν*) a house there; cf. § 16, *τῆς οἰκλας τῆς αὐτῶν*. — **ἐκδίδωσιν ἐπιδούς**: Diogiton, becoming again her *κύριος*, married her to Hegemon, § 12. On the technical terms, see on xvi. 10. — **χιλίαις ἔλαττον**: though it fell short

9 ὁ ἀνὴρ αὐτῆς ἔδωκεν. ὅγδοω δ' ἔτει δοκιμασθέντος μετὰ ταῦτα τοῦ πρεσβυτέρου τοῦ μειρακίου, καλέσας αὐτοὺς εἶπε Διογείτων ὅτι καταλίποι αὐτοῖς ὁ πατὴρ εἴκοσι μνᾶς ἀργυρίου καὶ τριάκοντα στατῆρας. “ἔγώ οὖν πολλὰ τῶν ἐμαυτοῦ δεδαπάνηκα εἰς τὴν ὑμετέραν τροφήν. καὶ ἔως 60 μὲν εἶχον, οὐδέν μοι διέφερεν· νυνὶ δὲ καὶ αὐτὸς ἀπόρως διάκειμαι. σὺ οὖν, ἐπειδὴ δεδοκίμασαι καὶ ἀνὴρ γεγένη-  
10 σαι, σκόπει αὐτὸς ἥδη πόθεν ἔξεις τὰ ἐπιτήδεια.” ταῦτ' ἀκούσαντες ἐκπεπληγμένοι καὶ δακρύοντες φέροντο πρὸς τὴν μητέρα, καὶ παραλαβόντες ἐκείνην ἥκον πρὸς ἐμέ, 65 οἰκτρῶς ὑπὸ τοῦ πάθους διακείμενοι καὶ ἀθλίως ἐκπεπτω- κότες, κλάοντες καὶ παρακαλοῦντες με μὴ περιιδεῖν αὐτοὺς ἀποστερηθέντας τῶν πατρώων μηδ' εἰς πτωχείαν κατα- στάντας, ὑβρισμένους ὑφ' ὧν ἥκιστα ἔχρην, ἀλλὰ βοηθῆ-  
11 σαι καὶ τῆς ἀδελφῆς ἔνεκα καὶ σφῶν αὐτῶν. πολλὰ ἀν- 70 τοῦ εἶη λέγειν, ὅσον πένθος ἐν τῇ ἐμῇ οἰκίᾳ ἦν ἐν ἐκείνῳ τῷ χρόνῳ. τελευτῶσα δὲ ἡ μῆτηρ αὐτῶν ἡντεβόλει με καὶ ἱκέτευε συναγαγεῖν αὐτῆς τὸν πατέρα καὶ τοὺς φίλους, εἰπούσα ὅτι, εἰ καὶ μὴ πρότερον εἴθισται λέγειν ἐν ἀν-

by one fifth (§ 6), the balance was not a mean dowry; see on xvi. 10. It was the same as that of the mother of Demosthenes, Dem. xxvii. 4.

9. **δοκιμασθέντος**: see p. 154. — ὅγδοω δ' ἔτει μετὰ ταῦτα: referring to the removal *eis dōtū*, *in the eighth year after this*, but eight full years after the death of Diodotus; cf. §§ 20, 29. — **εἴκοσι . . . στατῆρας**: hence he acknowledged only the sum which Diodotus had given to his wife, § 6. She had turned it over to Diogiton, § 15. — **εἶχον**: see on xvi. 14.

10. **ὑπό**: causal, see on vii. 21. —

**ἐκπεπτωκότες**: as pass. of *ἐκβάλλω*, cf. § 16, and see on xii. 57. — **ἀποστε-ρηθέντας**: on the use of the partic., see G. 1585; H. 8.

11. **πολλὰ ἀν εἰη**: cf. Dem. ix. 60, ὡς ὑβρίζετο . . . πόλλ' ἀν εἰη λέγειν, [Plat.] *Theag.* 121C, τὰ μὲν οὖν ἄλλα πολλὰ ἀν εἰη λέγειν. — **τελευτῶσα**: as adv., see on xii. 60. — **ἡντεβόλει καὶ ικέτευε**: these words are often used together, like ‘begged and besought.’ Cf. xxii. 21 and i. 25, *ἡντεβόλει δὲ καὶ ικέτευε μὴ ἀποκτεῖναι*. For the augment of *ἡντεβόλει*, see App. to xii. 73. — **λέγειν ἐν ἀνδράσι**: on the confined

δράσι, τὸ μέγεθος αὐτὴν ἀναγκάσει τῶν συμφορῶν περὶ  
**12** τῶν σφετέρων κακῶν δηλῶσαι πάντα πρὸς ἡμᾶς. ἐλθὼν  
 δ' ἐγὼ ἡγανάκτουν μὲν πρὸς Ἡγήμονα τὸν ἔχοντα τὴν  
 τούτου θυγατέρα, λόγους δ' ἐποιούμην πρὸς τοὺς ἄλλους  
 ἐπιτηδείους, ἥξιουν δὲ τοῦτον εἰς ἐλεγχον ἵεναι περὶ τῶν  
 πραγμάτων. Διογείτων δὲ τὸ μὲν πρῶτον οὐκ ἥθελε,  
**80** τελευτῶν δὲ ὑπὸ τῶν φίλων ἀναγκάσθη. ἐπειδὴ δὲ συ-  
 ἥλθομεν, ἥρετο· αὐτὸν ἡ γυνή, τίνα ποτὲ ψυχὴν ἔχων ἀξιοῖ  
 περὶ τῶν παιδῶν τοιαύτη γνώμῃ χρῆσθαι, “ἀδελφὸς μὲν  
 ὁν τοῦ πατρὸς αὐτῶν, πατὴρ δ' ἐμός, θεῖος δὲ αὐτοῖς καὶ  
**13** πάππος. καὶ εἰ μηδένα ἀνθρώπων ἥσχύνου, τὸν θεοὺς  
**85** ἐχρῆν σε” φησί “δεδιέναι· ὃς ἐλαβεις μέν, ὅτ’ ἐκεῖνος  
 ἔξεπλει, πέντε τάλαντα παρ’ αὐτοῦ παρακαταθήκην. καὶ  
 περὶ τούτων ἐγὼ ἐθέλω τὸν παῖδας παραστησαμένη καὶ  
 τούτους καὶ τὸν ὕστερον ἐμαυτῇ γενομένους ὁμόσαι ὅπου

life of Athenian women, at least of the higher classes, see Hermann, *Privat-alt.* § 10, and Becker, *Charicles* (Engl. trans.), p. 462 ff. They rarely met any men save their near relatives; cf. III. 6, εἰσῆλθεν εἰς τὴν γυναικωνῖτιν, ζήνον οὐσῶν τῆς τε ἀδελφῆς τῆς ἐμῆς καὶ τῶν ἀδελφῶν, αἱ οὖτω κοσμίως βεβιώκασιν ὥστε καὶ ὑπὸ τῶν οἰκείων ὄρώμεναι αἰσχύνεσθαι.

**12.** εἰς ἐλεγχον ἵεναι: see on XVI. 1.  
 —οὐκ ἥθελε: see on XII. 58. —ψυχήν: heart, cf. [Lys.] VI. 23, τίνα αὐτὸν δοκεῖτε ψυχὴν ἔχειν, ὅπτε τὰ μὲν ἔσχατα καὶ τὰ αἰσχιστα ἐποιεῖ μηνύων κατὰ τῶν ἑαυτοῦ φίλων; For a different sense, see on XXII. 20.

**13.** ἥσχύνου, δεδιέναι: for these two verbs used as here, the one of men, the other of gods, cf. § 17, and XXIV. 10. —ὅς: for the meaning,

see on XII. 40. —ἐλαβεις μέν: in § 14 the construction changes, where we might have had the woman's original words κεκόμισαι δέ κτλ. —τὸν παῖδας παραστησαμένη: this, the δρκος κατὰ τῶν παῖδων, was one of the most binding of oaths, from its solemn form and because the punishment for perjury might extend to the children. Cf. XII. 10, Dem. XXIX. 33, ἡ μήτηρ πίστιν ἥθελησος ἐπιθεῖναι κατ’ ἐμοῦ καὶ τῆς ἀδελφῆς παραστησαμένη κτλ. As women could not give evidence in courts, the oath was really their only means of testifying. On its uses, see Smith, *Dict. Antiq.* s.v. *Diatetae*, I, p. 622; M. and S. p. 898 ff. —τὸν ὕστερον: i.e. those by her marriage with Hegemon. —δπνον ἄν: as for instance in one of the temples. Cf. Dem. XXXVI. 15, Isochr.

ἀν οὗτος λέγῃ. καίτοι οὐχ οὕτως ἔγώ είμι ἀθλία οὐδ'  
 90 οὕτω περὶ πολλοῦ ποιοῦμαι χρήματα, ὥστ' ἐπιορκήσασα  
 κατὰ τῶν παιδῶν τῶν ἐμαυτῆς τὸν βίον ἐκλιπεῖν, ἀδίκως  
 14 δὲ ἀφελέσθαι τὴν τοῦ πατρὸς οὐσίαν." ἔτι τοίνυν ἐξήλεγ-  
 χεν αὐτὸν ἐπτὰ τάλαντα κεκομισμένον ναυτικὰ καὶ τετρα-  
 κισχιλίας δραχμάς, καὶ τούτων τὰ γράμματα ἀπέδειξεν.  
 95 ἐν γὰρ τῇ διοικίσει, ὅτ' ἐκ Κολλυτοῦ διωκίζετο εἰς τὴν  
 Φαιδροῦ οἰκίαν, τοὺς παῖδας ἐπιτυχόντας ἐκβεβλημένω τῷ  
 15 βιβλίῳ ἐνεγκεῖν πρὸς αὐτήν. ἀπέφηνε δ' αὐτὸν ἑκατὸν  
 μνᾶς κεκομισμένον ἔγγειῷ ἐπὶ τόκῳ δεδανεισμένας καὶ  
 ἑτέρας δισχιλίας δραχμὰς καὶ ἐπιπλα πολλοῦ ἄξια· φοι-  
 100 τᾶν δὲ καὶ σῖτον αὐτοῖς ἐκ Χερρονήσου καθ' ἑκαστον  
 ἐνιαυτόν. "ἔπειτα σὺ ἐτόλμησας" ἔφη "εἰπεῖν, ἔχων  
 τοσαῦτα χρήματα, ὡς δισχιλίας δραχμὰς ὁ τούτων πατὴρ

xvii. 20, And. i. 42. — **κατὰ τῶν παι-**  
**δῶν**: so Dem. xix. 292, and see Dem.  
 xxix. 33 quoted above. In taking  
 oaths, one often laid the hand on the  
 object by which he swore, as in And.  
 i. 126, λαβόμενος τὸν βωμὸν ὕμοσεν,  
 Isaetus vii. 17, καθ' ἱερῶν.

14. **διοικέσθει** and **διωκίζετο**: only  
 here in this sense, see App. The  
 usual word is **ἐξοικέσθαι** (or **ἐξοικέω**,  
 cf. xxxi. 9, and the lexicon. But cf.  
 δια- in διέπλευσα, XII. 17, διαπεράω, δια-  
 πέτομαι, διαβιβάσαι [Lys.] II. 28, δια-  
 βαλνω. On the repetition of the same  
 idea in subst. and verb, cf. Aeschin. I.  
 147, τὰς διατριβὰς . . . ἃς μετ' ἀλλήλων  
 ζῶντες διέτριψον.—**Κολλυτοῦ**: a deme  
 lying north of the Acropolis, see Curtius,  
*Stadtgeschichte von Athen*, p. 21.  
 It was a favourite quarter for resi-  
 dences. Cf. Plut. *de Exil.* p. 601 C,  
 τὸ δέ σε μὴ κατοικεῖν Σάρδεις οὐδέν

ἐστιν· οὐδὲ γὰρ Ἀθηναῖοι πάντες κατοι-  
 κούσι Κολλυτόν.—**Φαιδροῦ**: unknown,  
 but possibly he was Diogiton's new  
 father-in-law. The boys, however,  
 seem to have stayed on for a time in  
 the house owned jointly by themselves  
 (as their father's heirs) and Diogiton ;  
 cf. §§ 16 and 10.—**τῷ**: see App.—**ἐνεγ-**  
**κεῖν**: depends on the idea of *saying*  
 implied in **ἐξήλεγχεν κτλ.** G. 1525.

15. **ἔγγειῳ ἐπὶ τόκῳ**: *on a real*  
*estate mortgage.* Cf. [Dem.] xxxiv.  
 23, 24. For the use of **ἐπὶ** denoting  
 the security, cf. xix. 25, λαβὼν ἐκκα-  
 δεκα μνᾶς ἐπ' αὐτῆς (i.e. φιάλη χρυσῆ),  
 and Lutz, *Präp.* p. 112 f. — **σῖτον**  
**κτλ.**: possibly as interest on the debt  
 mentioned in § 6. On the corn deal-  
 ings with the Chersonese, see p. 90.  
 —**ἔπειτα**: used like **εἶτα**, XII. 26. —  
**ἄπερ**: for the meaning, cf. **δσονπερ**,  
 § 27, and see on VII. 22.

κατέλιπε καὶ τριάκοντα στατῆρας, ἅπερ ἐμοὶ καταλει-  
 16 φθέντα ἔκεινου τελευτήσαντος ἐγώ σοι ἔδωκα; καὶ ἐκβα-  
 105 λεῖν τούτους ἡξίωκας θυγατριδοῦς ὅντας ἐκ τῆς οἰκίας τῆς  
 αὐτῶν ἐν τριβωνίοις, ἀνυποδήτους, οὐ μετὰ ἀκολούθου, οὐ  
 μετὰ στρωμάτων, οὐ μετὰ ἴματίων, οὐ μετὰ τῶν ἐπίπλων  
 ἀ ὁ πατὴρ αὐτοῖς κατέλιπεν, οὐδὲ μετὰ τῶν παρακαταθη-  
 17 κῶν ἃς ἔκεινος παρὰ σοὶ κατέθετο. καὶ νῦν τοὺς μὲν ἐκ  
 110 τῆς μητρυιᾶς τῆς ἐμῆς παιδεύεις ἐν πολλοῖς χρήμασιν  
 εὐδαιμονας ὅντας· καὶ ταῦτα μὲν καλῶς ποιεῖς· τοὺς δὲ  
 ἐμοὺς ἀδικεῖς, οὓς ἀτίμους ἐκ τῆς οἰκίας ἐκβαλὼν ἀντὶ<sup>1</sup>  
 πλουσίων πτωχοὺς ἀποδεῖξαι προθυμεῖ. καὶ ἐπὶ τοιούτοις  
 ἔργοις οὔτε τοὺς θεοὺς φοβεῖ, οὔτε ἐμὲ τὴν συνειδοῦναν  
 115 αἰσχύνει, οὔτε τοῦ ἀδελφοῦ μέμνησαι, ἀλλὰ πάντας ὥμας  
 18 περὶ ἐλάττονος ποιεῖ χρημάτων.” τότε μὲν οὖν, ὡς ἀνδρες  
 δικασταί, πολλῶν καὶ δεινῶν ὑπὸ τῆς γυναικὸς ρήθεντων  
 οὕτω διετέθημεν πάντες οἱ παρόντες ὑπὸ τῶν τούτῳ πεπραγ-  
 μένων καὶ τῶν λόγων τῶν ἔκεινης, ὅρῶντες μὲν τοὺς  
 120 παῖδας οἷα ἥσαν πεπονθότες, ἀναμιμησκόμενοι δὲ τοῦ  
 ἀποθανόντος ὡς ἀνάξιον τῆς οὐσίας τὸν ἐπίτροπον κατέ-

16. οἰκίας τῆς αὐτῶν: see on §§ 8,  
 14.—ἐν τριβωνίοις: coarse or worn  
 ἱμάτια (Suidas says ἱμάτιον παλαιὸν).  
 Cf. Ar. *Vesp.* 117. A guardian treats  
 his ward in much the same fashion  
 in Isaeus, v. 11.—οὐ μετὰ ἀκολούθου:  
 none but the poorest Greeks ever went  
 out unattended, and the younger boy  
 should have had a παιδαγωγός. See  
 Becker, *Charicles* (Engl. trans.), pp.  
 3 and 226; Hermann, *Privatalt.* p. 85.  
 On the asyndeton here, see p. 156,  
 note 42.—στρωμάτων: see Becker,  
 p. 3; Hermann, p. 160.

17. ἐν πολλοῖς χρήμασιν: cf. Xen.

*Anab.* iii. 2. 25, ἐν ἀφθόνοις βιοτείνειν,  
 ‘live in clover.’—ἀποδεῖξαι: often  
 nearly equiv. to ποιῆσαι (cf. xxviii.  
 4, ἐπηγγέλλετο . . . ὥμας μὲν διὰ τὰς  
 εισφορὰς πενετέρους ἀποδεῖξειν, *frag.*  
 I. 5, τοὺς νέες πτωχοὺς ἐποιησεν, αὐτὸν  
 δὲ ἀντὶ καπῆλου μυροπώλην ἀπέδει-  
 ξεν), but used here, like ἀποφήνειε,  
 § 22, with the idea of representing.  
 —ἐπί: a common usage with verbs  
 of feeling to denote the ground; cf.  
 XIV. 42, ἐπὶ μὲν τοῖς καλοῖς αἰσχύνεσθαι,  
 ἐπὶ δὲ τοῖς κακοῖς φιλοτιμεῖσθαι.

18. διετέθημεν: affected.—ὑπό: see  
 on VII. 21. —τῆς οὐσίας: does not

λιπεν, ἐνθυμούμενοι δὲ ώς χαλεπὸν ἔξευρεῖν ὅτῳ χρὴ περὶ τῶν ἑαυτοῦ πιστεῦσαι, ὥστε, ὡς ἄνδρες δικασταί, μηδένα τῶν παρόντων δύνασθαι φθέγξασθαι, ἀλλὰ καὶ δακρύον-  
125 τας μὴ ἥττον τῶν πεπονθότων ἀπιόντας οἰχεσθαι σιωπῆ.

"Ινα δὲ καὶ ὁ τῶν ἀποδείξεων χαρακτὴρ καταφανῆς γένηται, θήσω καὶ τὰ ἐπὶ τούτοις λεγόμενα. τὰς μὲν οὖν ιδίας πίστεις ώς οὐ πολλῶν ἔτι λόγων δεομένας δι' αὐτῶν βεβαιοῦται τῶν μαρτύρων, οὐδὲν ἔτερον ἢ τοῦτο εἰπών·

Πρῶτον μὲν οὖν τούτων ἀνάβητέ μοι μάρτυρες.

Τὰ δὲ τοῦ ἀντιδίκου δίκαια διχῇ νείμας ώς τὰ μὲν ὅμολογήσαντος αὐτοῦ λαβεῖν καὶ εἰς τὰς τροφὰς τῶν ὄρφανῶν ἀνηλωκέναι σκηψα- μένουν, τὰ δὲ ἔξαρνον γενηθέντος εἰλέφεναι κάπειτα ἐλεγχθέντος ὑπὲρ ἀμφοτέρων ποιεῖται τὸν λόγον, τάς τε δαπάνας οὐχ ἂς ἐκεῖνος ἀπέφηνε γενέσθαι λέγων καὶ περὶ τῶν ἀμφιβόλων τὰς πίστεις ἀποδιδούς.

19    'Αξιῶ τοίνυν, ὡς ἄνδρες δικασταί, τῷ λογισμῷ προσέχειν τὸν νοῦν, ἵνα τοὺς μὲν νεανίσκους διὰ τὸ μέγεθος τῶν συμ- φορῶν ἐλεήσητε, τοῦτον δ' ἀπασι τοῖς πολίταις ἄξιον ὄργῆς 130 ἡγήσησθε. εἰς τοσαύτην γὰρ ὑποψίαν Διογέτων πάντας ἀνθρώπους πρὸς ἀλλήλους καθίστησιν, ὥστε μήτε ζῶντας

depend on ἀνάξιον, which is put first for emphasis.—τῶν ἑαυτοῦ: refers to the first person in διετέθημεν. G. 995; H. 686 a. In such cases the pronoun expresses mere reflex action in general without denoting any particular person, and sometimes, as here, means one's own. Kühn. § 455, 7. —τῶν παρόντων: in effect a repetition of οἱ παρόντες, allowed because so much intervenes. — δακρύοντας: sc. πάντας from μηδένα, cf. Lycurg. Leocr. 133, οὐδεμίᾳ πόλις αὐτὸν εἴσαε παρ' αὐτῇ μετοικεῖν, ἀλλὰ (sc. πᾶσα) μᾶλλον τῶν ἀνδροφόνων ηλαυνεῖν.

ON DIONYSIUS. Ιδίας πίστεις: his own (the speaker's) proofs, as distinguished from δίκαια (four lines below), the claims of Diogiton; (cf. Dem. xviii. 7, εἰ μὴ τῶν δικαζόντων ἔκαστος ὑμῶν τὰ τοῦ λέγοντος ὑστέρου δίκαια εὐνοϊκῶς προσδέξεται.) — γενη- θέντος: post-classical for γενομένου. — τῶν ἀμφιβόλων: 'the disputed items.'

19. ἀξιῶ: the acc. ὑμᾶς might have followed; see App. — τῷ λογισμῷ: the guardian's accounts, see on λόγος, § 25. — πάντας ἀνθρώπους: see on xvi. 15.

μήτε ἀποθνήσκοντας μηδὲν μᾶλλον τοῖς οἰκειοτάτοις ἢ τοῖς  
**20** ἔχθίστοις πιστεύειν· ὃς ἐτόλμησε τὰ μὲν ἔξαρνος γενέ-  
 σθαι, τὰ δὲ τελευτῶν ὅμολογήσας ἔχειν, εἰς δύο παῖδας καὶ  
**135** ἀδελφὴν λῆμμα καὶ ἀνάλωμα ἐν ὀκτὼ ἔτεσιν ἐπτὰ τάλαντα  
 ἀργυρίου καὶ τετρακισχιλίας δραχμὰς ἀποδεῖξαι. καὶ εἰς  
 τοῦτο ἥλθεν ἀναισχυντίας, ὡστε οὐκ ἔχων ὅποι τρέψει τὰ  
 χρήματα, εἰς ὄφον μὲν δυοῖν παιδίοιν καὶ ἀδελφῇ πέντε  
 ὄβολοὺς τῆς ἡμέρας ἐλογίζετο, εἰς ὑποδήματα δὲ καὶ εἰς  
**140** ἱμάτια καὶ εἰς γυναφεῖον καὶ εἰς κουρέως κατὰ μῆνα οὐκ  
 ἦν αὐτῷ οὐδὲ κατ' ἐνιαυτὸν γευραμμένα, συλλήβδην δὲ  
**21** παντὸς τοῦ χρόνου πλεῖν ἢ τάλαντον ἀργυρίου. εἰς δὲ τὸ  
 μνῆμα τοῦ πατρὸς οὐκ ἀναλώσας πέντε καὶ εἴκοσι μνᾶς  
 ἐκ πεντακισχιλίων δραχμῶν, τὸ μὲν ἥμισυ αὐτῷ τίθησι,  
**145** τὸ δὲ τούτοις λελόγισται. εἰς Διονύσια τοίνυν, ὁ ἄνδρες<sup>ε</sup>

**20.** ὅς: for the meaning, see on *οὔτινες*, XII. 40. — ἐτόλμησε: for the meaning, see on XII. 5. — τὰ δὲ κτλ.: this was an admission forced upon Diogiton by the βιβλίον, § 14, cf. § 28. But he proceeded to assert that he had expended the whole amount thus acknowledged.—λῆμμα καὶ ἀνά-  
 λωμα: technical terms, as in Dem. XXVII. 24, XXVIII. 12. — ὅποι τρέψει τὰ χρήματα: ‘under what head to set the sums.’ Cf. Isaues VI. 41, ἡρώτων . . . ὅποι τετραμμένα εἶη τὰ χρήματα, ‘what had been done with the money,’ and ὅποι, below, § 25. For the mood of *τρέψει*, representing an interrogative or deliberative subj., see G. 1490. — ὄφον: this term means a relish eaten with bread, or sometimes, as here, everything edible except bread. See Hermann, *Privatalt.* p. 223. — πέντε ὄβολούς: comparisons show

that this was a large sum for the purpose. See Boeckh, *Staatsh.* I, p. 128. — γυναφεῖον: see on XXIII. 2. — εἰς κουρέως: probably a colloquialism (cf. XII. 12), with which Frohberger compares Ar. *Eg.* 467, σὺ δ' οὐδὲν ἔξ ἀμάξουργοῦ λέγεις; The barber was the manicure and pedicure of antiquity. He also sold perfumes, oil for anointing, etc. See also p. 107. — πλεῖν: on the form, see App.

21. μνῆμα: in this case a cenotaph. On the forms and cost of monuments, see Becker, *Charicles* (Engl. trans.), p. 393 ff.; Hermann, *Privatalt.* p. 383. — αὐτῷ: as if he had undertaken to share the cost. — τίθησι: cf. θήσω, § 28, and ponere. — Διονύσια: the art. is regularly omitted in Lysias with names of festivals (Frohberger). — τοίνυν: here a particle of transition, not, as usually,

δικασταί, (οὐκ ἄτοπον γάρ μοι δοκεῖ καὶ περὶ τούτου μνησθῆναι) ἐκκαίδεκα δραχμῶν ἀπέφηνεν ἔωνημένον ἀρνίον, καὶ τούτων τὰς ὀκτὼ δραχμὰς ἐλογίζετο τοῖς παισίν· ἐφ' ὦ οὐκεῖς οὐχ ἡκιστα ὠργίσθημεν. οὗτως, ὥ 150 ἄνδρες, ἐν ταῖς μεγάλαις ζημίαις ἐνίστε οὐχ ἡττον τὰ μικρὰ λυπεῖ τοὺς ἀδικουμένους· λίαν γὰρ φανερὰν τὴν 22 πονηρίαν τῶν ἀδικούντων ἐπιδείκνυσιν. εἰς τούντην τὰς ἄλλας ἑορτὰς καὶ θυσίας ἐλογίστατο αὐτοῖς πλεῦν ἢ τετρακισχιλίας δραχμὰς ἀνηλωμένας, ἔτερά τε παμπληθῆ, ἃ 155 πρὸς τὸ κεφάλαιον συνελογίζετο, ὥσπερ διὰ τοῦτο ἐπίτροπος τῶν παιδίων καταλειφθείσι, ἵνα γράμματα<sup>7</sup> αὐτοῖς ἀντὶ τῶν χρημάτων ἀποδείξειεν καὶ πενεστάτους ἀντὶ πλουσίων ἀποφήνειε, καὶ ἵνα, εἰ μέν τις αὐτοῖς πατρικὸς ἔχθρὸς ἦν, ἐκείνου μὲν ἐπιλάθωνται, τῷ δ' ἐπιτρόπῳ, τῶν πατρώων 23 ἀπεστερημένοι, πολεμῶσι. καίτοι εἴ ἐβούλετο δίκαιος εἶναι περὶ τοὺς παιδας, ἐξῆν αὐτῷ, κατὰ τοὺς νόμους οἱ κείνται περὶ τῶν ὀρφανῶν καὶ τοῖς ἀδυνάτοις τῶν ἐπιτρό-

of inference.—**ἐκκαίδεκα**: about a third too much; see Boeckh, *Staatsh.* I, p. 96. — **ἀρνίον**: the usual sacrifice at this festival.—**τὰς ὀκτὼ**: on the article, *cf.* xxii. 8, and see G. 948; H. 664 a. — **ἐφ' ὦ**: for the syntax, see on xxxi. 11. — **οὗτως**: belongs to the whole sentence, not to any one word. See on *τοσοῦτον*, xii. 84, and *cf.* adeo. — **ζημίαις**: losses; *cf.* §§ 25, 29, and see on vii. 12.

22. **τέ**: see on xxxi. 2. — **παμπληθῆ**: ‘to a vast amount.’ — **πρὸς τὸ κεφάλαιον**: ‘to complete the tale,’ where *κεφάλαιον* means the total amount of  $7\frac{2}{3}$  talents acknowledged by Diogiton, § 20. So Froh-

berger, who compares Cic. *Verr.* II. 5. 73, *ad eorum numerum* (*sc.* *explendum*) *cives Romani necati*. See App.—**συνελογίζετο**: summed up. — **ὥσπερ καταλειφθείσι**: see App. to xii. 7. — **ἀποδείξειεν** and **ἀποφήνειε**: see on § 17. — **πατρικὸς ἔχθρός**: hereditary foes as well as friends were recognized by Greek morals. See on xii. 2. — **ἐπιλάθωνται** and **πολεμῶσι**: on the difference in tense, see App. to xvi. 6, and on the change of mood from the opt. above, GMT. 321.

23. **ἐξῆν**: without *διν*, see on xii. 32. — **κείνται**: as pass. of *τίθημι*, see on § 10, and *cf.* xxii. 3. — **ἀδυνάτοις**: on the meaning, see oration xxiv.

πων καὶ τοῖς δυναμένοις, μισθῶσαι τὸν οἶκον ἀπηλλαγμένον πολλῶν πραγμάτων, ἡ γῆν πριάμενον ἐκ τῶν προσ-  
 165 ιόντων τοὺς παῖδας τρέφειν· καὶ ὅπότερα τούτων ἐποίησεν, οὐδενὸς ἀνὴρ τοῦ Αἰγαίου πλούσιοι ἦσαν. οὐν δέ  
 μοι δοκεῖ οὐδεπώποτε διανοηθῆναι ως φανερὰν καταστήσων τὴν οὐσίαν, ἀλλ’ ως αὐτὸς ἔξων τὰ τούτων, ἥγονύμενος  
 δεῖν τὴν αὐτοῦ πονηρίαν κληρονόμον εἶναι τῶν τοῦ τεθνεῶ-  
 24 τος χρημάτων. ὁ δὲ πάντων δεινότατον, ὃ δικασταί·  
 οὗτος γὰρ συντριηραρχῶν Ἀλέξιδι τῷ Αριστοδίκου,  
 φάσκων δυοῖν δεούσας πεντήκοντα μνᾶς ἐκείνῳ συμβαλέσθαι, τὸ ἥμισυ τούτοις ὀρφανοῖς οὖσι λελόγισται, οὓς ἡ  
 πόλις οὐ μόνον παῖδας ὄντας ἀτελεῖς ἐποίησεν, ἀλλὰ καὶ  
 175 ἐπειδὰν δοκιμασθῶσιν ἐνιαυτὸν ἀφῆκεν ἀπασῶν τῶν

— τοῖς δυναμένοις : on this subst. use, cf. xxiv. 12, and see G. 1560; H. 966.

— μισθῶσαι τὸν οἶκον : a guardian who was unable, for any reason, or merely disinclined to manage his ward's estate (*oikos*, see on xii. 93) himself, might let it, by an auction held before the archon, to the highest bidder. The lessee (*ὁ μισθούμενος*) had to give security (*ἀποτίμημα*) for the rent. If this security was land, on it was set a *ὅρος* with an inscription, as *ὅρος χωρῶν καὶ οἰκλας ἀποτίμημα παιδὶ ὀρφανῷ Διογείτονος*, *CIA*. II, 1135. The rent was often more than twelve per cent. See M. and S. pp. 362, 559; Smith, *Dict. Antiq.* s.v. *Misthoseos Phasis*; and Sandys on Arist. *Resp. Ath.* 56. 7.— ως καταστήσων : for the syntax, see on xii. 73. — φανεράν : i.e. by turning it into land or mortgages. See on § 4. But here the whole phrase suggests that Diogiton did just the opposite, for the counter-

word *ἀφανίζειν* has the double sense of *turn into cash* and *make away with*. — πονηρίαν : personified; cf. xii. 78.

24. ὁ δὲ κτλ.: an introductory rel. clause. See H. 1009 a, and cf. xxiv. 11. — ὃ δικασταῖ: a rare omission of *ἄνδρες*. See App. — συντριηραρχῶν: the custom by which two men shared a trierarchy (see on xii. 38) arose in the hard times in the latter part of the Peloponnesian war. Boeckh (*Staatsh.* I, p. 638) calls the present the earliest known instance, but as we cannot be sure of the exact year of it, Gilbert (*Antiq.* p. 370) quotes Isocr. xviii. 59 f. (405–404 B.C.) as the earliest certainly known. — δυοῖν δεούσας : on the phrase, see G. 382, 3; H. 292. — ἀτελεῖς : this immunity did not include the *εἰσφορά* (see on xii. 20). Boeckh, *Staatsh.* I, p. 534. — ἐποίησεν : not a gnomic aor., but referring to the time of

ληπτουργιῶν. οὗτος δὲ πάππος ὧν παρὰ τοὺς νόμους τῆς ἑαυτοῦ τριηραρχίας παρὰ τῶν θυγατριδῶν τὸ ἥμισυ πράττεται. καὶ ἀποπέμψας εἰς τὸν Ἀδρίαν ὀλκάδα δυοῖν ταλάντοιν, ὅτε μὲν ἀπέστελλεν, ἔλεγε πρὸς τὴν μητέρα 180 αὐτῶν ὅτι τῶν παιδῶν ὁ κίνδυνος εἴη, ἐπειδὴ δὲ ἐσώθη καὶ ἐδιπλασίασεν, αὐτοῦ τὴν ἐμπορίαν φάσκει εἶναι. καίτοι εὶ μὲν τὰς ζημίας τούτων ἀποδείξει, τὰ δὲ σωθέντα τῶν χρημάτων αὐτὸς ἔξει, ὅποι μὲν ἀνήλωται τὰ χρήματα οὐ χαλεπῶς εἰς τὸν λόγον ἐγγράψει, ῥᾳδίως δὲ ἐκ τῶν ἀλλοτρίων αὐτὸς πλουτήσει. καθ' ἔκαστον μὲν οὖν, ὡς δικασταί, πολὺ ἀν ἔργον εἴη πρὸς ὑμᾶς λογίζεσθαι· ἐπειδὴ δὲ μόλις παρ' αὐτοῦ παρέλαβον τὰ γράμματα, μάρτυρας ἔχων ἡρώτων Ἀριστόδικον τὸν ἀδελφὸν τὸν Ἀλέξιδος (αὐτὸς γὰρ ἐτύγχανε τετελευτηκώς) εἰ ὁ λόγος αὐτῷ εἴη ὁ 190 τῆς τριηραρχίας· ὃ δὲ ἔφασκεν εἶναι, καὶ ἐλθόντες οἰκαδεῆς ρομεν Διογείτονα τέτταρας καὶ εἴκοσι μνᾶς ἐκείνῳ συμβεβλημένον εἰς τὴν τριηραρχίαν. οὗτος δὲ ἐπέδειξε δυοῖν 27 δεούσας πεντήκοντα μνᾶς ἀνηλωκέναι, ὥστε τούτοις λελογίσθαι ὅσονπερ ὅλον τὸ ἀνάλωμα αὐτῷ γεγένηται. καίτοι 195 τί αὐτὸν οἰεσθε πεποιηκέναι περὶ ὧν οὐδεὶς αὐτῷ σύνοιδεν,

the enactment.—**πράττεται**: exacted.

*Cf.* ἀργύριον πρᾶξασθαι, I. 25.

25. Ἀδρίαν: sc. κόλπον, omitted as usual.—**ὅλκάδα**: a general term for the merchant-ship as opposed to *ναῦς* μακρά. Torr, *Ancient Ships*, p. 23, with note 59.—**κίνδυνος**: risk. This would be an extra one in that sea; cf. *frag.* I. 4, ὥστε πολὺ ἀσφαλέστερον εἶναι δοκεῖν εἰς τὸν Ἀδρίαν πλεῖν ἢ τούτῳ συμβάλλειν (*lend money*), and Ηρ. III. 9. 23, improbo iracundior Hadria. —**ἐσώθη**: frequently used of a safe return,

as in XVI. 16.—**ὅποι**: see on § 20.

—**λόγον**: the regular term for the guardian's account; see p. 153. It is called *λογισμός* in § 19, *γράμματα* in § 26.

26. **τετελευτηκώς**: see on VII. 10, and for the tense, on XII. 27.—**τέτταρας καὶ εἴκοσι**: the trierarchy cost almost fifty minae on the average. Boeckh, *Staatsh.* I, p. 671.

27. **ἀνηλωκέναι**: the infin. with ἀποδεκνυμ is very rare. See App.—**λελογίσθαι**: on the tense, see GMT. 590.—**ὅσονπερ**: see on § 15.—**περὶ** ὧν . . . ἀλλ' αὐτὸς κτλ.: English re-

ἀλλ' αὐτὸς μόνος διεχείριζεν, ὃς ἀδι' ἔτέρων ἐπράχθη καὶ οὐ χαλεπὸν ἦν περὶ τούτων πυθέσθαι, ἐτόλμησε ψευσάμενος τέτταροι καὶ εἴκοσι μνᾶς τοὺς αὐτοῦ θυγατριδοῦς ζημιῶσαι; καὶ μοι ἀνάβητε τούτων μάρτυρες.

## ΜΑΡΤΥΡΕΣ.

- 28 Τῶν μὲν μαρτύρων ἀκηκόατε, ὡς δικασταί· ἐγὼ δ' ὅσα τελευτῶν ὠμολόγησεν ἔχειν αὐτὸς χρήματα, ἐπτὰ τάλαντα καὶ τετταράκοντα μνᾶς, ἐκ τούτων αὐτῷ λογιοῦμαι, πρόσοδον μὲν οὐδεμίαν ἀποφαίνων, ἀπὸ δὲ τῶν ὑπαρχόντων ἀναλίσκων, καὶ θήσω ὅσον οὐδεὶς πώποτ' ἐν τῇ πόλει, εἰς 205 δύο παιδαῖς καὶ ἀδελφὴν καὶ παιδαγωγὸν καὶ θεράπαιναν χιλίας δραχμὰς ἑκάστου ἐνιαυτοῦ, μικρῷ ἔλαττον ἢ τρεῖς 29 δραχμὰς τῆς ἡμέρας. ἐν ὀκτὼ ἔτεσιν αὖται γίγνονται ὀκτακισχίλιαι δραχμαί, καὶ ἀποδείκνυνται ἐξ τάλαντα περιόντα καὶ εἴκοσι μνᾶι. οὐ γὰρ ἀν δύναιτο ἀποδεῖξαι 210 οὐθ' ὑπὸ ληστῶν ἀπολωλεκώς οὔτε ζημίαν εἰληφώς οὔτε χρήσταις ἀποδεδωκώς. . . .

quires which (α) in the second clause, but Greek avoids the repetition of the relative in a new case by omitting it or by using a pers. or dem. pron. Cf. περὶ τούτων, below, and vii. 40, xxii. 13, 21, and see G. 1040, 1041; H. 1005. — αὐτὸς μόνος: for the contrast, see on xxxi. 17. — ζημιῶσαι: mult, see on ζημιαῖς, § 21.

28. ὠμολόγησεν: for the fact, cf. § 20. — ὑπαρχόντων: principal, see on xxxi. 15. — θήσω: see on § 21. — παιδαγωγόν: see on § 16. — χιλίας δραχμάς: a liberal allowance for the time of Lysias. Even later, seven minae a year was the allowance of Demosthenes in his minority, his

sister and his mother. Boeckh calculated that a family of four grown persons could obtain the mere necessities of life for 360 drachmae a year. *Staatsh.* I, 142 ff.

29. καὶ ἀποδείκνυνται: see App. — ἀπολωλεκώς: used absolutely; cf. ἀποδεδωκώς, below. — ζημίαν εἰληφώς: probably a commercial phrase, in which λαμβάνω takes the place of the somewhat legal word διλησκάνω. Cf. κέρδος λαβεῖν, *Ar. Ach.* 906, *Nub.* 1064, κακὸν λαβεῖν, *Nub.* 1310, *Xen. Symp.* iv. 50, and ζημίαν λαβεῖν ἀμεινόν ἔστιν ἢ κέρδος κακοῦ, *Soph. frag.* 738 Naucl.<sup>2</sup> For ζημίαν, see on § 21. — Dionysius quotes no more of this speech.



## APPENDIX.

### I.—MANUSCRIPTS AND EDITIONS.

#### A.—MANUSCRIPTS.

THE CODEX PALATINUS X (Heidelbergensis 88) is the sole early authority for the text of all but one<sup>1</sup> of the orations of Lysias printed in the present edition. All the other manuscripts of these orations were copied from X, as Hermann Sauppe showed in his *Epistola Critica ad Godofredum Hermannum scripta*, Lipsiae, 1841, p. 7 ff. This manuscript, written in the twelfth century, was brought from Nicaea to the west; from Italy it passed to Heidelberg; in 1622 it was carried off to Rome by Leo Allatius and in 1797 by Napoleon to Paris; finally in 1815 it was returned to Heidelberg. It is on parchment, consists of 142 leaves, and was written throughout by one hand, but contains a few corrections by a second; most of the corrections were made by the first writer himself. In many cases he found a choice of readings even in his archetype, either variants or emendations, which he wrote in, without deciding which were the better.<sup>2</sup> The manuscript on the whole has a low reputation for correctness. Aside from this, it had suffered greatly before it reached Italy for the first time, having lost one whole quaternion and three leaves of another. The former contained the end of oration xxv, a whole speech *κατὰ Νικίδον ἀργύας* (as the index on folio 1 of the Ms. shows), and the beginning of xxvi; the latter included the end of v and the beginning and part of the middle of vi. Further, folio 9 (in oration ii) is stained by some black liquid so that most of both sides of the leaf is, and was before the Ms. came to Italy, illegible. Sauppe was the first to prove that all the other Mss. were copied from this after its mutilation and defacement, as they exhibit the same lacunae and make sad

<sup>1</sup> Oration xxxii; see Appendix to it. Further, orations i and ii (not here printed), though they are found in X, also come from a different family;

see M. Erdmann, *de Pseudolysiae Epitaphii codi.*, Strassburg, 1881.

<sup>2</sup> On the history of the Ms., Sauppe, *ibid.*, Schöll, *Hermes*, XI, p. 202 ff.

work of the passage written on the soiled leaf. The first printed edition, that of Aldus, shows the same deficiencies. It is evident, therefore, that the readings of the copies are of no more critical importance than the conjectures of the learned of to-day. It was natural that many of these readings should be happy, correcting as they did manifest errors in X. This is especially true of those of

CODEX LAURENTIANUS C (pl. 57, 4), which Bekker (who preceded Sauppe) held to be the best Ms. of Lysias. The other principal copies will be found cited in Bekker's edition. I mention here only the two to which I have had occasion to refer in the following notes :—

CODEX VATICANUS M (66).

CODEX URBINAS O (117).

The latter gets its name from the *Bibliotheca Urbina*s, added to the library of the Vatican in 1657.

#### B.—PRINCIPAL EDITIONS.

**EDITIO PRINCEPS:** ALDUS, *Venice*, 1513. In his *Oratores Graeci* (generally so called, though Aldus speaks of them as *Rhetores*), I, pp. 86–197 (including the Life and Estimate by Dionysius of Halicarnassus). Aldus used either X or a copy; see Sauppe, *Epist. Crit.* p. 9; Schöll, *Hermes*, XI, p. 204 note.

Stephanus, *Geneva*, 1575. In his *Oratorum Veterum Orationes*. The citations of Lysias in Liddell and Scott's Lexicon are made by its pages. Professor Seymour kindly lent me his copy of this book, but I have used my own copy (formerly W. H. Thompson's) of the Aldine.

Taylor, *London*, 1739. *Lysiae Orationes et Fragmenta*. With his own notes and those of Markland.

Reiske, *Leipzig*, 1772. In Vols. V and VI of his *Oratores Graeci*.

Bekker, *Berlin* (also *Oxford*), 1823. In Vol. I of his *Oratores Attici*.

Dobson, *London*, 1828. In Vol. II of his *Oratores Attici* with variorum notes including those of Dobree.

Baiter and Sauppe, *Zurich*, 1839–1843. In their *Oratores Attici*.

Scheibe, *Leipzig*, 1852, and (in 1855) *Lysiae Orationes ad codicem Palatinum nunc denuo collatum*. Often reprinted.

Westermann, *Leipzig*, 1854. *Lysiae Orationes*

Cobet, *Amsterdam*, 1863. *Lysiae Orationes*.

## SELECTED ORATIONS WITH COMMENTARY.

*Rauchenstein, Berlin, 1848. Ausgewählte Reden des Lysias.* Revised seven times by him and now (for Orations XII, XIII, XVI, XXV, XXXI) in its tenth, 1889, and (for VII, XIX, XXII, XXIII, XXIV, XXX, XXXII) ninth, 1886, edition as revised by *Fuhr*. With critical and explanatory notes.

*Van Herwerden, Groningen, 1863. Lysiae Orationes Selectae (I, XII, XIII, XVI, XXV, XXXII).* With critical notes.

*Frohberger, Leipzig, 1865–1870. Ausgewählte Reden von Lysias.* Vol. I, Or. XII, XIII, XXV, 1865; revised by *Gebauer*, 1880. Vol. II, Or. I, X, XIV, XV, XXXII, 1868. Vol. III, Or. XVI, XIX, XXIV, XXX, XXXI (with a grammatical and a subject index), 1870. Explanatory and (extremely long) critical notes.

*The same, Leipzig, 1873–1875. Kleine Ausgabe.* Vol. I, Or. XII, XIII, XVI, XXV, XXXI, 1873; revised by *Gebauer*, 1882. Vol. II, Or. VII, X, XIV, XV, XIX, XXII, XXIV, XXX, XXXII, 1875; revised by *Thalheim*, 1892.

*Sterens, Chicago, 1876. Select Orationes of Lysias with introductions and explanatory notes (Or. II, VII, XII, XIII, XXII).* Several times reprinted.

*Shuckburgh, London, 1882. Lysiae Orationes XVI with analysis, notes, appendices and indices (Or. V, VII, IX, X, XII, XIII, XIV, XVI, XVII, XIX, XXII, XXIII, XXIV, XXVIII, XXX, XXXII).* Now in its fourth edition, 1890.

*Kocks, Gotha, 1885–1887. Ausgewählte Reden des Lysias.* Vol. I, Or. VII, XII, XIII, XVI, XIX, 1885. Vol. II, Or. XXI, XXII, XXIII, XXIV, XXV, XXVIII, XXX, XXXI, XXXII, XXXIII, 1887. With short explanatory notes.

*Weidner, Leipzig, 1888. Lysiae Orationes Selectae, mit Einleitungen, erklärendem Index und einem Anhang aus Xenophons Griechischer Geschichte.* Contains Or. I, VII, X, XII, XIII, XVI, XIX, XXII, XXIII, XXIV, XXV, XXX, XXXI, XXXII, with a brief collation of X.

*Bristol, Boston, 1892. Ten Selected Orationes of Lysias (VII, XII, XVI, XVII, XIX, XXII, XXIII, XXIV, XXXII, XXXIII).* With explanatory notes and appendices.

## II.—CRITICAL NOTES.

For the Ms. readings I have depended on Kayser's collation of X in Scheibe's second edition (using a reprint of 1871); on the additions and corrections of Lampros (in *Hermes*, X, p. 257 ff.) and of Schöll (*ibid.*, XI, p. 202 ff.); and on Weidner's critical appendix. I have printed the text of X everywhere unless the contrary is indicated in the following notes, except that I have felt with Schöll (*l.c.*) that there was no need (especially in an

edition of this grade) of cataloguing mere orthographical variants of a sort that contribute nothing whatever to our knowledge of the text of Lysias, being errors with which all MSS. of the time abound. I do not mean cases in which the spelling of words is or has been in dispute, but blunders like *οὐχ' ὡς*, *ὑφῶν*, *μεταπάντα*, *ἐπειδ' ἀν*, obvious mistakes in breathings, the omission of *i* subscript and points like *μῆδημία*. Those who need to study such matters will find the material in the articles of Lampros and Schöll. Further, my text agrees with that of Fuhr (in his tenth edition of **xii**, **xvi**, **xxxii**, and his ninth of **vii**, **xxii**, **xxiii**, **xxiv**, **xxxii**), unless the contrary is stated. It will be seen that I have drawn freely from his critical appendix, as well as from that of Frohberger-Gebauer-Thalheim. The following abbreviations are used in the notes (besides the letters **X**, **C**, cod. **M**, **O**, referring to the MSS.):—

B., Bekker; Cob., Cobet; F., Fuhr; Fr., Frohberger; Herw., Van Herwerden; M., Markland (the Vatican Ms. is rarely cited and always as cod. **M**.); R., Reiske; Rn., Rauchenstein; S., Sauppe; Sch., Scheibe; T., Taylor; Turr., Turicenses Editores; W., Weidner. Some of these abbreviations are avoided in the App. to **xxxii** to prevent confusion with the signs for the special MSS. of that speech. By ‘Meisterhans’ is meant his *Grammatik der Attischen Inschriften*, and by ‘Bl.-Kühn. Gr.’, the *Ausführliche Grammatik* of Kühner, revised by Blass, 1890 ff.

## VII.

*Title.* περὶ: Harp., Phot. ὑπὲρ, **X**.

1. ἀπροσδοκήτοις: T. ἀπροσδοκήτως, **X**. — κοινοὶ: Stephanus. οἱ κοινοὶ, **X**.

2. ἐλάν: Cobet, cf. Meisterhans, p. 24. ἐλαῖαν, **X**. So throughout the speech. — προσῆσαν: Rn. προσήσαν, **X**. — φασιν: M., omitted in **X**. — ἡγούμενοι: οἰημενοι, **X**.

Either might stand (cf. Schöll, *Hermes*, XI, p. 210), but F. quotes **xii**. 25, 36, 54, 85, 96, 100, to show that ἡγούμενοι is the commoner; οἰημενοι occurs in **xiii**. 86. — ἀπορωτάτην: **X**, vulg. ἀπορωτέραν, Tournier, Graux, F. — Φευδὴ ἀποδεῖξαι: Dobree, Francken. ἀποδεῖξαι, **X**. ἀπελέγξαι, Westermann, Sch., F., Fr., but this word is not found, except in Antiphon, until late. ἀπολέσασθαι, Dobree, W. — αὗτοῖς: S. αὐτοῖς, **X**.

3. ἄμ... ἀκούσαντα: S. ἀλλ... ἀκούσαντας, **X**. This, according to Lutz (*die Casus-adverbien bei den attischen Rednern*, p. 33), is the only place where Lysias uses ἄμα joined with a person. With things, ἄμα τούτῳ κραυγῇ γίγνεται, **xiii**. 71; ἄμα τῇ ἡμέρᾳ, frag. 1. 4.

**4. δημευθέντων δ' ἑκείνου τῶν ὅντων:** Meutzner, Thalheim. δημευθέντων τῶν ὅντων δ' ἑκείνου, X, Schl. δημευθέντων δὲ τῶν ἑκείνου, Rn., F. — **δωρεὰν:** Morgan, cf. Meisterhans, p. 31 f., Bl.-Kühn. Gr. I, p. 139. δωρεὰν, X, edd. — **ώνοῦμαι:** Emperius. ώνοῦμην, X. ἐωνούμην, Sch., Fr., but the impf. has not an aoristic sense here nor in the passages usually cited to support it, xxii. 11, Aesch. III. 91, Andoc. I. 134. — **Ἀπολλόδωρος:** there was a long discussion and investigation in the matter of the rewards to be given to the murderers. We have a contemporary document bearing upon it in an inscription, *CIA*. I, 59, discussed in Hicks, *Greek Historical Inscriptions*, p. 105 ff.

**5. μυρίαι:** Οὐ μυρίαι, X.

**6. ὁ πόλεμος:** Dobrée. πόλεμος, X. — **τότε τῇ:** R. τῇ, X. — **καὶ ὅτι τοῦτο:** Röhl, F. καὶ τοῦτο, X. After ἀλλως τε καὶ we generally have a participle or a causal, rarely a conditional or temporal conj. It stands with a finite verb only in late authors (Fuhr). — **πλεῖν:** Franke, F., Geb., W. πλεῖν<sup>ω</sup>, X. On the form πλεῖν, see Bl.-Kühn., Gr. I, p. 216, where it is explained not as a contraction but as a shortened form ('hyphaeresis') of πλεῖον, cf. οἴμαι and οὔμαι. In Attic classical inscriptions πλεῖν is not found, but only πλέον, not πλεῖον, Meisterhans, p. 120, but the language of some of them contradicts Moeris, p. 294, πλεῖν ἡ μύριοι, Ἀττικῶς, cf. Schwab, *Hist. Syntax der Griechischen Comparativen*, pp. 197, 202, 211.

**7. θαυμαστὸν δ':** C. δ' om. X. — **ἡδυνάμεθα:** see App. to XII. 99. — **ὅσῳ:** Meutzner. δσοι, X.

**10. ὃς δύο:** Harp., Suid., Phot. s.v. σηκός. δύο δ', X. — **τρίτῳ δὲ ἔτει:** vulg. τρίτῳ δὲ, X. — **εἰργάσατο:** S. εἰργάσατο ἐνιαυτόν, X. — **ὅς τέθνηκε· κάτα τρία ἔτη:** S. after Meutzner. ὃς τέθνηκε ταῦτα τρία ἔτη, X. But the point of interest to the speaker is the length of the leases, not the date of the death of Alcias. — **Πρωτέας:** X has Πρωτέως.

**11. σηκὸν:** vulg. οίκον, X. — **φανερώτερον:** schedae Brulart. (notes on the margin of Stephanus's edition in the *Bibl. Nationale*), M., T. φανερῶς, X.

**12. αἱρόμενος:** S. ἡγούμενος, X. — **σκοπεῖν:** X, vulg. σκοπεῖν ἄν, Fr., F., W. But the pres. inf. alone here represents the impf. of the judges' thought and the following impf. ἐπεχειροῦν is unchanged in tense from their direct thought, although it is changed in person, from the third to the first. The condition is a simple one, not contrary to fact: 'if he made this attempt, he was considering,' etc. — **ἐγίγνετό μοι:** Rn. ἐγίγνετο τῷ, X. On the tense, F. and Fr. compare ἐκέρδαινον, § 32, but they miss the point that ἐγίγνετο is an indir. question. — **περιποιήσαντι:** Kayser. τῷ (del. Dobree) ποιήσαντι, X.

**13. καὶ ὑμᾶς:** καὶ ὑμᾶς, X. — **ἐγίγνετο:** ἐγίγνετο, X.

**14. ἐνόντος:** Cob. ὄντος, X. — **παρ' ὑμῖν:** X, Sch. παρ' ὑμῶν, Meutzner, F., Fr., W. I have returned to the reading of X, influenced by the passages quoted in the note and by Dem. xix. 137, LIV. 39, quoted by Lutz, *Präpositionen*, p. 147. So Thalheim. — **ἔγώ δέ:** inserted by Frei as a contrast to οὐτος μέντοι.

— **τοιοῦτον**: Hertlein. **τούτων**, X. — **γιγνομένας**: Gildersleeve in a private letter. **γενομένας**, X, edd. If **γενομένας** stands, it can only be indir. disc. after **ἀποφήναιμι**; and as it must refer to past time, it makes nonsense. Fr. takes **ἄν** with both **γενομένας** (representing an aor. indic.) and **ἀποφήναιμι**, a potential opt.; but this is impossible, and nothing like it can be found, for in Dem. XXXXV. 71, quoted by Fr., **μαθών** is equiv. to a protasis. Hamaker conjectured **ἀποφήναιμι' ἄν**. But Gildersleeve's is the neater emendation, and involves the slightest possible change, from **γενομένας** to **γιγνομένας**. On the sense of the impf. partic. here, see the note on **ἐγίγνετο** in § 13, the suggestion for which comes from the same scholar.

16. **ἄν ή**: Morgan, cf. §§ 18, 20, 28, and see Rutherford, *New Phrynicus*, p. 243. **ἄν ήν**, X, edd. — **οὐκ ἄν οἶόν τε ἦν δίκην με**: X, Sch., Fr. **οὐκ ἀν οἶός τε ἦν δίκην**, Cob., F., W. — **ἥδη**: W. **ἥδειν**, Emperius, Fr., F. **εἰδεῖν**, X, Sch.

• 17. **οικετῶν**: Palmer. **εἰκέτων**, X. — **σῶν**: Cob. **σῶον**, X. — **ἀνενεγκεῖν**: C. **ἄν ἐνεγκεῖν**, X.

18. **ἡ**: Cob. **ἥν**, X, cett. — **τοὺς παριόντας ἡ**: X, Rn., Fr. Omitted after Dobree by Sch., F., on the ground that the danger the speaker ran from the passers-by had been mentioned in § 15; for he treats of 1) **παριόντες** (§ 15); 2) **οικέται** (§ 16); 3) his tenants (§ 17); 4) his neighbours (§ 18). But, as Thalheim remarks, *die παριόντες werden hier in anderem Zusammenhang erwähnt als § 15*. The **τοὺς περιουκοῦντας γελούντας** of Hamaker, W., is attractive, but not necessary. — **ἀποκρυπτόμεθα**: X. **ἀποκρυπτόμενοι οἴδεθα**, Sch.

19. **ὅς φησιν ὡς**: X, edd. except W., who omits **ὅς φησιν**, probably rightly. No exact parallels for **φησιν ὡς** are quoted, except Xen. *Hellen*. vi. 3. 7, Theoph. *Char.* 29. — **παρειστήκη**: Cob. **παρειστήκει**, X, cett.

20. **ὑπέλιπτες**: Franz. **ἀπέλιπτες**, X. — **ἥ**: Morgan. **ἥν**, X, cett.

21. **σοι**: Aldus. **μοι**, X.

22. **ὡς φῆς μ' ἰδών**: after **φῆς** of Blass; but for the *i* subscript (so Thalheim), see Bl.-Kühn. *Gr.* § 289, Anm. 3. **φῆστ· μὴ δεῖν**, X. **εὐθύς μ' ἰδών**, F. **δτε φῆς μ' ἰδεῖν**, M., Thalheim. **φῆσας μ' ἰδεῖν**, R., Sch. **εὶ φῆς μέν μ' ἰδεῖν . . . τοὺς δ' ἀρχοντας**, W. — **οὗτοι**: Muretus. **οὕτω**, X, Sch., Fr.

23. **ὅτ' εἰ μὲν**: Rn., Thalheim. **ὅς εἰ μὲν**, X, but the rel. in such a usage should refer to the subject of **πάσχω**. **δσῳ εἰ μὲν**, Sch., F., but in this usage a comp. or sup. commonly stands with **δσῳ**, cf. § 7. — **ταύτην ζημίαν**: B. **ταύτην τὴν ζημίαν**, X. — **τούτου μὲν**: Auger. **τοῦτο μὲν**, X. — **ἄμα**: B. **ἄλλα**, X. — **τε λόγων**: B. **γε λόγων**, X.

24. **πυρκαϊάς**: the word **πυρκαϊά** regularly means *fire* or, in law, *arson*. Here it is to be interpreted either as in the note or as a burnt stump which has grown up again into a wild olive (see introd. to this speech, p. 3). But either interpretation is unique for this word, and the ancient lexicographers take no notice of it. It may be corrupt. Sandys suggests **πυκνάς**, cf. Xen. *Anab.* iv. 8. 2. — **καὶ ἕκκόψαι**: bracketed by F., following Halbertsma and Fr.

25. καὶ τὴν πατρίδα: added by Kayser, except καὶ added by Sch. — ἐπιγνώμονας: M., after Harpocration. γνώμονας, X. — παρέχομαι: W. So XII. 74, where F.<sup>10</sup> follows him, but cf. XXII. 12. παρέξομαι, X, F.<sup>9</sup> — ἔξημιστέ μ' ὡς: Meutzner. Without μ', X. — ἐργαζόμενον: C. ἐργαζομένους, X.

26. οὔτω: inserted before περὶ by Dobree. — μίαν μορίαν: Herw., Fr. μορίαν, X. μίαν, Blass, Thalheim.

27. τῶν τριάκοντα: X has τῶν ἑλ. — τοιοῦτον: B. τοιοῦτο, X, but see Bl.-Kühn. Gr. I, p. 606.

28. ḥ: Morgan. ḥν, X, cett.

29. μορίων: Fr. μοριῶν, cett. See p. 3, note 25. — ἐπεργαζόμενον: R. ἀπεργαζόμενον, X. — ζημιῶσαι με: Meutzner, Fr. cf. § 25. ζημιῶσαι, X. με before πώποτε, R. — ἀπογράψαι: in X stands ἀπέγραψέ — με: T. με ἐγγὺς, X.

31. ḥ ὡς: T., Fr. ὡς, X. ὡν, R., W., but see Bohlmann, *de attractionis usu*, p. 34. — τᾶλλα: in the much debated state of the question of accent, I have with F. followed X. τᾶλλα, Fr., W., Sch. See G. 119; H. 106; Bl.-Kühn. Gr. I, p. 331, Anm. 4. — λητουργῶν: F., Thalheim, after Meisterhans, § 15, 3; Bl.-Kühn. Gr. I, pp. 185, 252. λειτουργῶν, X, W.

34. γὰρ ἔχων: R. παρέχων, X. — ἔτι εἰσὶν: Westermann, Fr., Rn., W. εἰσὶν, X, F. — ἔτοιμός εἰμι: Sch. ἔτοιμος ἡμην, X. Possibly ἔτοιμος stood here without a verb (as often, see Kühn. Gr. § 354 c), and ἡμην (see Bl.-Kühn, Gr. II, p. 222) was a late addition. — ισχυρότατον: B. ισχυρότερον, X, Fr., W.

35. δοκεῖ δεινὸν εἶναι: cod. Venetus acc. to T. δοκεῖν εἶναι, X. — περὶ αὐτῶν: in X περὶ αὐτῶν. — ἔλοιντο: Rn. εἴλοντο, X.

36. οἵμαι εἶναι: T., from a Ms. εἶναι εἰπεῖν, X.

37. ἔλεγον ἀούτος ἐβούλετο: B. The last three words stand after ὠμολόγου in X. ει ἔλεγχον, Sch. — προσήκειν: T., M. προσήκει, X. — μετ' ἔμον: Stephanus, Sched. Brul. with the note V.C. (*vetus codex* according to Reiske). This usage of μετά seems to be unique in the orators, for Isoer. IV. 53, quoted by Rn., is not a parallel; see Lutz, pp. 84, 82. μητ' ἔμον, X. πρὸς ἔμον, C; see Lutz, p. 155.

38. τοῦτον: T. τούτῳ, X.

39. γὰρ: suggested by F. and inserted by Thalheim. — εἰδέναι: F., after Bartelt. ἐγνωκέναι, Hamaker, Sch., Thalheim, W. In X a verb is lacking. — ἐπαιτιώτατοι: for a full consideration of this passage, see my note in *Harvard Classical Studies*, Vol. V, 1894.

40. ἔνεκα: C. οὕνεκα, X, see on XXII. 3. — ἥδιον: T. ἥδη, X. — ἐμὲ αὐτῶν: Schott. ἐμὲ αὐτὸν, X.

42. παρὰ: C. ḥ ἅρα, X.

43. παραδιδόντος: Fr. διδόντος, X.

## XII.

**1. τοιαῦτα:** X. *τοιαῦτα γὰρ*, Contius, W., but the asyndeton is more striking; cf. 84, and *οὗτως*, xxxii. 21, xiii. 31. — **ἀνάγκη:** Krüger's remark (*Spr.* 62, 1, Anm. 3), that *ἔστι* very rarely occurs with this word, holds good for Lysias. *ἀνάγκη* occurs twelve times: with *ἔστι*, twice, xiii. 92 and 44 (but in the latter there is no inf.); without *ἔστι*, seven times, iv. 8, x. 5, xii. 1, xix. 1, 3, xxii. 7, xxvi. 6; with *ἢν*, twice, xiii. 79, xxxiii. 4; with *γεγένηται*, once, xxxii. 1. Only in the last passage is the dat. used with the phrase, and it is inserted between *ἀνάγκη* and its verb. For the usage of Andoc., see *Harvard Stud. in Class. Phil.* II, 57. Cf. App. to xvi. 7.

**2. πρὸ τοῦ:** Lysias uses *πρό* only seven times, always temporally; see Lutz, *Präp.* pp. 3, 60. — *ὑπὲρ τῶν ιδίων ἦ*: om. F., following Herw.

**3. ποιήσομαι:** X, F., W., Fr. *ποιήσωμαι*, vulg. Weber, *Entwick. der Absichtssätze*, p. 161, counts this case among subjvs.; but for examples in prose of this fut., see GMT. 367, and the note in Gebauer's large edition of Lysias. This is the only case of the construction in Lysias. — **δι' ἔλαχιστων:** the only occurrence, according to Lutz, *Präp.* p. 66, of this phrase in the orators.

**5. πονηροί:** R. *πονηροὶ μὲν*, X. — **προτρέψαι:** W. *τραπέσθαι*, X, to which *τοὺς λοιποὺς πολίτας* must be taken as subj.; but this changed subj. is awkward, especially in view of *οὐ τοιαῦτα ποιεῖν ἐτέλμων*. F. prefers but does not print W.'s conjecture; cf. Isoer. II. 8, *εἰ δέ τις τοὺς κρατοῦντας τοῦ πλήθους ἐπ' ἀρετὴν προτρέψειν*. — **τοιαῦτα λέγοντες:** M. *καὶ τοιαῦτα λέγοντες*, X.

**6. πένεσθαι:** M. *γενέσθαι*, X. — **τὴν δ' ἀρχὴν:** Sealiger. *τὴν ἀρχὴν*, X.

**7. περὶ οὐδενὸς ἥγοντο:** F. and Fr. speak of this phrase as used for the common *παρ' οὐδέν*, and Fr. considers it due to parallelism with the following *περὶ πολλοῦ*. But from Lutz, *Präp.* (p. 152 f.) it would seem that *παρ' οὐδέν* is not used in this sense in the orators, and Lysias uses *περὶ οὐδενὸς* in vii. 26 and xxxi. 31, being the first orator to use the phrase with this verb (Lutz, p. 133). — **Ἐνεκα:** C. *οὐνεκα*, X. — **ώσπερ . . . πεποιηκότες:** in such sentences the translation *as if* may be used for convenience, but the partic. is not really conditional, as the neg. in such cases is *οὐν*. Cf. vii. 15 and GMT. 867. For examples in Lysias, see xxv. 31, *οὖνται χρῆναι ὃν ἀν βούλωνται κακῶς ποιεῖν*, *ώσπερ τῶν μὲν ἀλλων ἀδικούντων, ἀριστοὶ δὲ ἀνδρες αὐτοὶ γεγενημένοι*, and xxiv. 18, xxxii. 22. In all these, the clause with *ώσπερ* has an ironical tone. See also xxii. 12.

**9. θεοὺς . . . νομίζει:** translate, *he didn't believe in gods or in men either*; or else, with Sauppe, cf. the Homeric *οὐδέ τι τλει ἄνερας οὐδὲ θεούς*, Il. ix. 238. For *νομίζω* in this latter sense examples are scarce, but see Plat. *Gorg.* 466 B, Ar. *Nub.* 902, both passive.

**11. ἐπειδὴ:** F. *ἐπει*, X. See App. to xxxii. 2. — **ἀμολόγητο:** Fritzsche, since the agreement was on both sides. *ἀμολόδη*, X. *ἀμολόγησα*, vulg. — **φιάλας**

*ἀργυρᾶς*: C. *φιάλας*, X, the correction being by the first hand (Schöll). — *τέτταρας*: Pertz. *τέσσαρας*, vulg.

12. **πρός**: rare in Lysias in this local sense, occurring besides in x. 28, xiii. 81, frg. 94 (Lutz, *Präp.* p. 156). — **ὅποι**: cod. Vindobonensis, S. ὅπη, X. — **τὰδελφοῦ**: Cob. τὰ τοῦ ἀδελφοῦ, X.

14. **πρόθυμον**: X., F., Fr. πρόθυμος, W.

15. **ἥδη**: Morgan, see App. to vii. 16. ἥδειν, cett. — **ταῦτῃ**: originally a real dat. of the instrument (*sc. ὁδῷ*), and not an ‘instrumental’; see Brugmann, *Gr. Gram.*<sup>2</sup> §§ 83, 187; Bl.-Kühn. *Gr.* § 336, η. So εἰκῇ, vii. 12. For the other view, see G. Meyer, *Gr. Gram.*<sup>2</sup> p. 364 f.

16. **τριῶν θυρῶν**: it is impossible to identify these doors with certainty. We do not know how elaborate was the interior of the house of Damnippus, although we know that it ran from one street to another. Nor do we know just where Lysias and Damnippus had their hurried talk. On this subject, see my note in *Harvard Stud. in Class. Phil.* V, p. 52.

17. **έγώ μὲν**: Ad. Müller. έγω, X. — **πεπυσμένος**: corr. from πεπεισμένος by first hand, X. — **ἐπ' ἑκείνων**: Aldus. ὑπ' ἑκείνων, X.

18. **ἔξ οὐδεμίας**: Cob. οὐδὲ μάς, X. — **κλειστὸν**: S. κλισιον, X. See Meisterhans, Anm. 172, 328.

19. **κτήσεσθαι**: Dobree. κτήσασθαι, X. See Madvig, *Adv. Crit.* I, p. 156 ff.; GMT. 127; and my note on δοῦναι, § 26. — **καὶ τοῦ τρόπου**: according to Fr., the clause τῆς γὰρ κτλ. takes the place of a ὡστε clause, as in xiii. 80; cf. vi. 17. So Jebb, *Select. from the Attic Orators*, p. 253, comparing Andoc. iii. 33. — **τοῦ αὐτῶν**: vulg. τοῦ αὐτῶν, X. — **ὅτε τὸ πρῶτον**: X., Sch., Gebauer (who cites Xen. *Anab.* vii. 8. 14, Plut. *Arat.* 2, Thuc. iv. 94, Hom. *Od.* xxiii. 213 f.). **ὅτε πρῶτον**, Hertlein, F.; cf. xiv. 16. **ὅτε περ πρῶτον**, W.; cf. xvii. 3.

20. **ῶσπερ οὐδ' ἀν**: Westermann. ὕσπερ ἀν, X. “Omit the ‘not,’ the statement remains intelligible, but ceases to be effective.” Jebb, *ibid.* — **γ' ὄντας**: vulg. ὄντας, X. — **πάσας μὲν**: R. πάσας, X. — **εἰσενεγκόντας**: M. ἐνεγκόντας, X.

21. **εἰς τοὺς πολεμίους**: see note. Lutz (*Präp.* p. 9) quotes only this example from Lysias. Of his others, the greater part are military, many being this very phrase. — **ἀτίμους**: M. ἀτίμους τῆς πόλεως, X.

22. **τοσοῦτον**: vulg. τοιοῦτον, X.

24. **ὅσιον**: vulg. ὕσον, X. — **ὅ τι**: Brunck. εἴ τι, X.

25. **ἢ**: Morgan, see App. to vii. 16. ἢν, cett. — **ἴνα <ἀποθάνωμεν ἢ ίνα μὴ>** **ἀποθάνωμεν**: the words in brackets are not in X, but were inserted by R.; so Fr., Gebauer. Thus there are two single and three double questions put to Eratosthenes. ἀντέλεγον ίνα μὴ ἀποθάνητε, F., following Usener, *Rhein. Mus.* XXV, 590; cf. Spengel, *Rhet.* I, 165 f. But S. and W. follow X; others insert μὴ from C.

26. **ἀποκτείνεις**: Kayser. ἀποκτείνης, X. — **φῆς**: X., edd., except F., W., φῆς. So below. But see App. to vii. 22. — **οὐκ ἔμοι**: Madvig, *Adv. Crit.* I, 175. οὐκ οἰει ἔμοι, X., Sch. δεῖν is inserted after τοντούσι by Cob. and Gebauer after an earlier conjecture of Madvig, but οἰει χρῆναι, W., is more probable than

this; cf. § 89, vii. 23, xxx. 8. The reading in the text, however, is the most difficult, and perhaps gives the best cadence.

27. *προσετάχθη*: R. *έταχθη*, X. — *ἔπειτα*: X. *ἔπει τοι*, T., Sch. — *τῷ ηττον*: Canter. *τῷ πιστιν*, X. — *γνώμην*: X. *ἐναντιαν γνώμην*, R., Sch., but the preceding *ἀντειπῶν* makes this unnecessary.

28. *ἔτιν*: Cob., following inscriptions; cf. Meisterhans, Anm. 262, and p. 213, 38. *ἄντιν*, X, vulg.

29. *ἰσχυροτέρα*: Dobree. *ἰσχυροτέρα αὐτῆς*, X. — *παρὰ τοῦ*: Canter. *παρ' αὐτοῦ*, X.

30. *μὲν δὴ*: C. *μηδεν δὴ*, X. — *σωζειν . . . παρόν*: S., Sch. *σωζοντα αὐτὸν καὶ τὰ τούτους ἐψηφισμένα δὲν*, X. — *πᾶσιν*: R. *πάντες*, X. — *ὅργιζεσθε*: X. *ῳργίζεσθε*, M., W., but cf. § 31, *συγγνώμην ἀντίχοιτε*.

31. *τοῖς διὰ*: R. *τούτοις διὰ*, X.

33. *παρ' αὐτοῖς*: vulg. *παρ' αὐτοῖς*, X. — *περὶ αὐτῶν*: vulg. *περὶ αὐτῶν*, X.

34. *ἐτυγχάνετε* and *ἀπεψηφίζεσθε*: Kayser. *ἐτύχετε* and *ἀπεψηφίσασθε*, X. — *νέεις*: F. *vicēis*, X, vulg. On the usage of the forms, see Meisterhans, p. 47, § 17, and Bl.-Kühn. Gr. I. p. 508; cf. App. to xxxii. 4. — *Ἐρατοσθένη*: C. B. *Ἐρατοσθένην*, X.

35. *ὑμέτεροι*: R. *ἡμέτεροι*, X. — *σφᾶς γ αὐτοὺς*: F. *σφᾶς αὐτοὺς*, X, Sch. Lysias says either *ἢ που . . . γε*, or *ἢ που . . . σφόδρα* (so W.). See examples in Gebauer, *De arg. ex contr. form.* p. 71 f. — *περιέργους*: X. *περιέργως*, T., Sch., but the following partic. shows the reason why they would be *περιέργοι*. — *ὑπὲρ ὑμῶν*: vulg. *ὑπὲρ ἡμῶν*, X. — *τιμωρούμενος*: M. *τηρούμενος*, X, W. Although the middle of *τιμωρέομαι* generally denotes revenge in one's own interest, yet F. cites I. 40 as parallel to the present case. Hence *διατεινομένους* (Fr.) and *κηδομένους* (Rn.) are unnecessary. The former is too far from X, the latter too weak for contrast with *ἀφήσουσιν*.

36. *τεθνεώτων*: R. *τεθνειότων*, X. — *ἀκρίτους*: vulg. *ἀκρίτως*, X. — *ἕψ*: C. *ἅψ*, X.

37. *οὐδ' ἀν*: W. *οὐδ'*, X, F., vulg. — *δύναιντ' ἀξίαν*: W. *δύναιντ' ἀν*, X, F., vulg. But F. inserts with M. *ἀξίαν* before *δύναιντο*.

38. *κατηγορούμενα*: *κατηγορούμένα*, X. *κατηγορημένα*, C, Sch. — *λέγοντες*: corr. from *λέγοντας* by first hand of X. — *ὑμᾶς*: Bake. *ὑμῖν*, X, Sch. A possibility would be *ἀποδεικνύντες ὑμῖν*. The verb *ἔξαπτάν* is used absolutely in xxxi. 16. — *ἢ ὡς πόλεις*: Meutzner. *ἢ πόλεις*, M., Sch. *πόλεις*, X. The conjecture *ἢ ὡς πρεσβεύσαντες πόλεις* of W. (cf. Isocr. xvi. 21, quoted in the note) is attractive but unnecessary.

39. *ὑμετέραν*: R. *ἡμετέραν*, X.

40. *τοσαῦτα ἔσκύλευσαν*: R. *ἔσκύλευσαν τοσαῦτα*, Sch. *τοσαῦτα*, om. X. — *εἶλον*: by erasure from *εἶχον*, first hand of X. — *οἴα τὰ*: Cob. *οἴα*, X. — *ὅτι ἔαντοις*: after T., Sluiter, Sch. *οἴς αὐτοῖς*, X. *ἔαντοῖς*, Classen.

41. *αὐτοῦ*: Dobree, Francken, p. 85. *αὐτῶν*, X, Sch. This may be kept by supposing with Kayser (so W.) that there is a lacuna before § 42, or by inserting *οὗτος* somewhere after *ὅτε πρῶτον* in § 42.

42. ἔπραξεν: vulg. ἔπραξαν, X.

43. ὑμετέρῳ: vulg. ἡμετέρῳ, X.

44. **φυλάς**: T. φυλακᾶς, X, Sch. But the latter would refer to the cavalry, and 1) the ephors had no constitutional powers, and hence could not appoint cavalry officers; 2) if the regular phylarchs were meant, the phrase would be τοὺς φυλάρχους. — **χρεῖ**: vulg. χρὴ, X. — **μόνον**: changed from μόνων in X by first hand. — **ψηφίεισθε**: Cob. ψηφίσαισθε, B., Sch. ψηφίσησθε, X. The fut. indic. here, according to Weber, *ibid.*, p. 163, is in a final, not an object clause, and hence falls under GMT. 324. But cf. Aeschin. III. 64 f., where we certainly have object clauses.

45. **καλῶς**: Fr. καὶ, X, vulg. — **ὑμᾶς**: M., T. ἡμᾶς, X.

47. **κάκεινοι**: Hertlein. Om. X.

48. ἔχρην ἀν: X, Sch. ἔχρην αὐτὸν, B., F., Fr., W. On the use of ἀν here, see GMT. 423, and p. 410. — **ἄλλα τὰ**: C. ἄλλα τὰληθῆ, X.

50. ἐν τῷ λόγῳ: Lipsius. ἐν τῷ λόγῳ, X, vulg. — **τ' αὐτῷ**: F. τε αὐτῷ, Sch. τ' αὐτὰ ὥ, X.

51. **καὶ τὰς**: Rn. suggested ἀποδείξω after καὶ. W. inserts ἐώρα after διαφοράς. Hannaker inserted τε after ἀμφότερα, but this leaves the change still too harsh. — **μόνοι**: R. μοι, X.

52. **εἰ**: Schott. καὶ, X. — **κάλλιον**: C, Cob. κάλλιον ἀν, X, vulg. — **κατειληφότος**: vulg. κατειληφότες, X. — **αὐτοῦ**: vulg. αὐτοῦ, X. — **εὔνοιαν**: M. συνουσίαν, X. — ἐπὶ Φυλῆ: on the note, cf. Vischer in *Rhein. Mus.* IX, 388, who quotes, from an inscription, ἐν Ἐλευσῖνι καὶ Πανάκτῳ καὶ ἐπὶ Φυλῇ (*CIA.* II, part 3, 1217). On the situation and remains of the fortress, see Baedeker's *Greece*, p. 115. — **Ἐλευσινάδε**: vulg. ἐλευσινάδε, X.

53. **ἔδειξαμεν**: Geel. ἔδοξαν, X. — **Πειραιῶς**: T. Πειραιέως, X. — **αὐτοὺς**: W. conjectures τούτους, which is attractive.

55. **Φείδων**: X has, after this word, δι τῶν τριάκοντα, which Herw. struck out. — **Δαμιτρεὺς**: T. Δαμιτρεὺς, X. — **καὶ**: om. X. — **αὐτοὶ**: M. αὐτοὶ<sup>οῖς</sup>, X. — **τοῖς**: R. ἡ τοῖς, X. — **ἀστεως**: see on § 92. ἀστεος, X.

56. **ῷ**: Rn., S. οῖ, X. οἰς, Sch. — **τεθνεῶτες**: C. τεθνεῖτες, X. — **θάττον**: Pertz. θάσσον, X.

57. **εἰ δ' ὑμεῖς δικαίως, οἱ τριάκοντα ἀδίκως**: R. εἰ δ' ὑμεῖς ἀδίκως, οἱ τριάκοντα δικαίως, X, Sch. — **δὴ ἐτέρων**: vulg. δὶ ἐτέρων, X.

58. **κρείττους αὐτῶν**: vulg. κρείττους αὐτῶν, X.

59. **ἔδανείσατο**: vulg. ἔδανείσαντο, X.

60. **ὅλας**: Fritzsch. Cob. sets it after πόλεις. Om. X. — **οῖς**: T. οὖς, X. — Arist. *Resp. Ath.* 38 throws light on some of the statements of Lysias here. Hitherto, it has been supposed that πόλεις referred to the cities of the Spartan allies, who (except the Boeotians and Corinthians) followed Pausanias when his jealousy of Lysander led him to Athens (*Xen. Hellenn.* ii. 4. 30). But Aristotle says that the Ten who succeeded the Thirty had already fallen before the arrival of Pausanias, and that they were succeeded by a Second Ten, who had

begun negotiations for peace with the patriots in Piraeus before Pausanias came. (Lysias and the other authors do not mention this Second Ten, see above, p. 26.) The forces, therefore, that aided the First Ten were Lysander, with his mercenaries (Xen. *Hellen.* ii. 4. 28 f., in number one thousand, according to Diod. xiv. 33), and his brother Libys with a fleet (Xen. *ibid.*; of forty ships, Diod. *ibid.*). Aristotle does not here mention either of these by name, but says only that the First Ten were helped by Callibius and the Peloponnesians then at hand, together with some of the knights. Callibius was the harmost, sent with a garrison (of seven hundred, according to Arist. 37) to maintain the Thirty. By Πελοποννησίων τῶν παρόντων Aristotle may mean what was left of this garrison, or he may mean Lysander and Libys with their forces, or both. Lysias is evidently speaking loosely of what was done under the two Tens. For μισθωσάμενοι cannot truthfully be used of the Second, nor πόλεις ἐπάγοντες of the First; while the words Λακεδαιμονίους καὶ τῶν συμμάχων . . . πεῖσαι belong properly to the expedition of Pausanias, who was not summoned by either Ten so far as we know (least of all by the First!). Finally, the following words, οὐδὲ διαλλάξαι ἀλλ' ἀπολέσαι παρεσκενάζοντο can refer only to the First Ten, the Second having actually begun to negotiate before Pausanias arrived. Hence the Second may well be included under the ἀνδρες ἀγαθοί (*παρεσκενάζοντο τὴν πόλιν εἰ μὴ δέ* ἀνδρας ἀγαθούς).

61. οἴδ' ὅτι οὐ: vulg., Sch. οὐ, om. X. οὐκ οἴδ' ὅτι, F., after W., who however prints ὥστ' οὐκ οἴδ' ὅτι. — πλείστων: R. πλείστον, X.

62. Θηραμένους: see above, p. 29. Neither Xenophon nor Thucydides had a very high opinion of this much discussed man, but Aristotle (*Resp. Ath.* 28) eulogizes him highly, and says: “Men of more than superficial judgment do not believe that he was a professional destroyer of all governments, as his detractors say, but rather that he supported all so long as they did not outrage the law; for he was a man who could live under any form of government,—and this is behaving like a good citizen,—but who was the foe, not the tool, of governments that went beyond the laws.” — ως ἄν: C. ως, X. — παραστῆ κτλ.: the explanation in the note, which I owe to Professor Seymour, shows that the text is not defective here, as most editors think. According to them, the idea must be something like ‘let nobody *think it strange (or wrong)* that I accuse Theramenes.’ Gebauer conjectures καὶ μηδενὶ τοῦτο ἐπαχθὲς παραστῆ. W. prints ἀδικῶ Θηραμένους κατηγορῶν. — ἀπολογήσεσθαι: M. ἀπολογήσασθαι, X. — ἔκεινφ: T. ἔκεινοις, X.

64. γὰρ ἦν: R. γὰρ, X. — τοὺς Θηραμένους: Sch. τοῦ Θηραμένους, X. The article is not used with this name in this speech. — αἰτίου . . . γεγενημένους: B. αἰτίου . . . γεγενημένους, X.

65. ἕπ' αὐτῶν: S. ἐπ' αυτοῦ, X, W. It does not appear from any other author that the πρόβοστοι had power to fill any of the offices. Theramenes, one of the Four Hundred, was nominated and chosen general by the Four Hundred themselves; see Arist. *Resp. Ath.* 30. Cf. Thuc. viii. 89. 2. But perhaps

Lysias is speaking loosely and does not mean *αὐτῶν* to refer to the *πρόβουλοι* but to the Four Hundred, understood in *τοῖς πράγμασι*.

66. ἔαυτὸν παρεῖχεν: Dobree. ἔαυτὸν τῇ πόλει παρεῖχεν, X. — Κάλλαισχρον: vulg. Κάλλαισχρον, X. — προτέρους: Canter. πραοτέρους, X. — αὐτοῦ: Sch. αὐτοῦ, X, vulg.

67. Ἀρχεπτόλεμον: vulg. Ἀρχιπτόλεμον, X. — αὐτῷ: vulg., Sch. αὐτῷ, X, W.

68. ηύρηκέναι: F., see Meisterhans, p. 136. εὑρηκέναι, X. — αὐτῷ: S., Sch. αὐτῷ, X, vulg.

69. σωτήρια: M. σωτηρίαν, X. — ἔνεκα: Westermann; cf. Meisterhans, p. 177, and see App. to xxii. 3. οὔνεκεν, X. ἔνεκεν, Sch. — ἐν τοῖς αὐτοῦ: vulg. ἐν τοῖς αὐτοῦ, X.

70. αὐτὸς ἑκείνοις: Canter. αὐτοῖς ἑκείνοις, X. — Πειραιῶς: vulg. Πειραιέως, X. — περιελεῖν: vulg. περιαιρεῖν, X. — καταλύσαι: vulg. καταλύσαι, X. — ἀποστερήσθε: Cob. ἀποστερηθήσθε, X.

71. ὡμολογημένος: Westermann. λεγόμενος, X. — ὑπ' ἑκείνων: M. ὑπ' ἑκείνου, X. — ἐκ Σάρου: the exact chronological order of events here is an extremely vexed question. For the latest consideration of it, see Boerner, *De rebus a Graecis inde ab a. 410 usque ad a. 403 gestis*, Göttingen, 1894, p. 49 ff.

72. παρόντος: Boblitz. παρόντων, X. Either is possible (Schöll). — διαπειλοῦτο: Cob. ἀπειλοῦτο, X. ἀπειλοῦ, Sch. The Greeks used διαπειλοῦμαι and ἀπειλῶ, like διακελεύομαι and κελεύω, διθυμυμαι and δυνυμι. — ψηφίσασθε: vulg. ψηφίσουσθε, X.

73. ὥμᾶς: Contius. ὥμᾶς, X. — ἔξεκλησιάζετε: S., Sch.; so X in xiii. 73 and 76, and cf. Xen. *Hellen.* v. 3. 16. So the aor. in Thuc. viii. 93; cf. Bl.-Kühn. Gr. II, p. 415. ἔκκλησιάζετε, X, but the present, though in indir. disc., can hardly be retained on account of ἐν ἑκείνῃ τῇ ἡμέρᾳ. ἔκκλησιάζετε, Fr., F., W. after Dind. Dem.<sup>3</sup> praef. xxvii f., and so in Lysias xiii. But the principle of false analogy in augment and reduplication of denominative verbs (Bl.-Kühn. Gr. II, p. 34) appears often in Lysias, e.g. ἐπεδήμησε, xii. 71, cf. xvi. 4; ἐνετεθύμητο, xii. 70; ἐπεθυμοῦμεν, xvi. 11; ἡνειχόμην, iii. 9; ἐπιτετρωπευμένος, xxxii. 3; ἐπιτετρήδευται, xiii. 65; [ἐπηνώρθωσαν, ii. 70]; and in i. 25 and xxxii. 11 we should probably emend to ἡντεβόλει.

74. παρέχομαι: R., W. παρέξομαι, X. Cf. vii. 25, xxii. 12. — μέλοι: T. μέλλοι, X. — ποιήσασθ'... κελεύοι: X, vulg. before Sch. ποιήσετε... κελεύει, Cob., Sch., F. But see GMT. 690.

75. γοῦν: vulg. γ' οὖν, X.

76. παρήγγελτο: Cob., Kayser, on account of the following πρότερον ἤδεσαν. Cf. Thuc. viii. 66. 1, 69. 2; Dem. xxiii. 14. παρηγγέλλετο, X. — δέκα δ': B., Sch. δέκα δὲ, Aldus. δέκα, X. — τὴν αἰτῶν: vulg. τὴν αὐτῶν, X.

77. ἐν τῇ βουλῇ: the truth of Xenophon's description of this whole scene with its dramatic ending is now open to the gravest doubts. See Aristotle's account of it (*Resp. Ath.* 37), evidently in part, at least, based on documentary

evidence; cf. Bauer, *Lit. und hist. Forschungen zu Arist. Ath. Pol.*, p. 163 f. — **δι' αὐτὸν**: S. δι' αὐτὸν, X, vulg. — **φροντιζόντων**: Dobree, Sch. φροντίζων δὲ (εἰ, W.) τῶν, X. φροντιζόντων αὐτῶν, W. — **τοῖς εἰρημένοις τρόποις ὑπ' ἐμοῦ**: on this order, cf. Dem. xix. 174, τὴν μὲν γραφεῖσαν ἐπιστολὴν ὑπ' ἐμοῦ, and see Frohberger's critical note in his large edition. Lysias has the noun following the partic. in xiii. 43, τὰς γεγενημένας συμφορὰς τῇ πόλει. But in our passage I think that the unusual order need not be defended on any general principle, since it is necessary for clearness in order to separate αὐτοῖς which follows from τρόποις. — **αὐτοῖς αἴτιος**: Kayser. αὐτὸς αἴτιος, X. — **αὐτοῖς ἔργῳ**: M., after C. αὐτῷ ἔργῳ, X. αὐτὸς ἔργῳ, M., Sch. αὐτῷ τῷ ἔργῳ, Fr., W.

**78. αἰτιώ γεγενημένῳ**: W. αἰτιὸν γεγενημένου, R., Sch. αἰτιοὶ γεγενημένοι, X. — **αὐτοὺς φίλους**: Stephanus, vulg. αὐτοὺς φίλους, X. — **τῆς αὐτοῦ**: B. τῆς αὐτοῦ changed from αὐτῶν (vulg. before B.) by the first hand of X. — **ἡδη... κατέλυσε**: X, Sch., W. δῆς... κατέλυσε, S., F., in the belief that it is improbable that Lysias would not have referred to Theramenes's attempt to overthrow the Thirty, and for parallelism with the following δῆς. But Lysias is careful scarcely to refer at all to any opposition by Theramenes to the Thirty (only in § 77), for this was what won Theramenes favour with the people.

**79. τῶν τούτου**: Rn. τῶν τούτου, X. — **μὲν**: added by R.

**80. μέλλειν**: vulg. μέλειν, X. — **ὑμεῖς ὑμῖν**: F.; cf. Dem. xxiv. 157. ὑμῖν αὐτοῖς, X.

**81. κατηγόρηται**: Bake, Sch., W. κατάγνωτε, Emperius, F. κατηγορεῖτε, X. — **μὲν**: I have adopted this from Fuhr's suggestion in his critical note. For confusion of μὲν and δέ in the MSS., cf. Gebauer to xiii. 30 (smaller edition); for μέν, μέντοι, cf. Plat. *Protag.* 247 A, Xen. *Anab.* ii. 1. 13. δῆ, Sch. μὲν δῆ, W. δέ, X. — **αὐτὸς ἦν**: M. αὐτὸς ἦν, X. — **κρινομένων**: R. γινομένων, X.

**82. καὶ οὗτοι**: Dobree. καίτοι οὗτοι, X. — **ἀκρίτους**: X has ἀκρίτως; so in §§ 36 and 83.

**83. ἀποκτείνατε**: B. ἀποκτείνοιτε, vulg., Sch. ἀπεκτείνοιτο, X. — **δημεύσατε**: R. δημεύσετε, X. — **τὰς οἰκλας**: Sch. οἰκλας, X.

**84. ικανὴν οὐκ**: Sintenis. οὐκ, X. Reiske inserted ικανὴν after λαβεῖν. αὐτῶν ἀξιῶν, Rn., W. — **δύνασθε**: B. δύνησθε, X. — **δοκεῖ**: vulg. δοκῆ, X. — **τοσούτον** ἥ: R. τοσούτον δ', X.

**85. ἐδύναντο**: M. δύναντο, X. — **ἔλθειν**: C. ἔλειν, X. — **ἔστεσθαι καὶ**: Cob., Fritzsche; cf. xxii. 19, xxx. 34. ἔστεσθαι τῶν πεπραγμένων, X. — **ἔστεσθαι τῶν τε πεπραγμένων**, R., S., Sch., F., Fr., W.

**86. συνεργούντων**: R. συνεργούντων, X. — **κάγαθοι**: T. ἡ ἀγαθοὶ, X. — **τῆς τούτων**: M. τῆς, X. — **ἀπολλύναι**: M. ἀποδοῦναι, X. — **οὖτε τὰ**: R. οὔτε τὰ, X.

**87. Ἐρατοσθένη**: X has Ἐρατοσθένην. — **τεθνεάτων**: C. τεθνεάτων, X.

**88. τῶν ἐχθρῶν**: Gebauer. παρὰ τῶν ἐχθρῶν, X. — **δεινὸν εἰλεῖν**: δεινὸν εἰλεῖν, X. — **ἀπολέσασιν ἐπ'**: C, B. ἀπολέσασιν δήπου ἐπ', S., Sch. ἀπολέσασιν ἡπου ἐπ', R. ἀπολέσασιν ἡπου, X, with a marginal note signifying corruption. — **βοηθεῖν**: vulg. Νοηθεῖν, X.

89. πολλῷ: R. πολλοὶ, X. — ρᾶσιν: Contius. ῥᾶδιον, X. — τῶν ἄλλων Ἑλλήνων: for the latest and fullest consideration of this class of genitives, see Schwab, *Hist. Syntax der gr. Comparation*, pp. 38 ff., 162 ff., 289 ff.

90. δεῖξετε: M. δεῖξατε, X.

91. τούτων: X, vulg. τούτου, F. But see p. 28, note 25. — κρύβδην εἶναι: Sch. κρύβδην, X.

92. Πειραιῶς: vulg. Πειραιέως, X; also in §§ 94, 95. — διὰ τοῦτον: X, B., W. (*Jahrb. CXXXVIII*, p. 312). διὰ τούτων, C, Sch., F. — ἄστεως: F. ἀστεος, X, vulg. But see Bl.-Kühn, *Gr. I*, p. 441; Meisterhans, p. 108.

93. μὲν ἐκ: Baiter, Sch. μὲν ἀν ἐκ, X. — ὄνειδῶν: vulg. ὄνειδιῶν, X.

94. πονηροτάτων: R. πονηροτέρων, X. — σφετέρας: M. ὑμετέρας, X.

96. ἀπέκτεινεν: R. ἀπέκτενον, X. — ἀφέλκοντες: R. ἀφελόντες, X. — αντῶν (in both places): vulg. αὐτῶν, X.

98. ὀφέληστεν: Boblenz. ὀφέλησαν, X, Sch. — σωτῆρια: R. So X, corrected from σωτηρία by first hand. σωτηρία, cett. codd.

99. οὐδέν: inserted by Canter. — ὑπέρ τε τῶν ιερῶν: τε inserted by S. — ἡδύνασθε: the Ms. gives the augment in ḥ- both here and in VII. 7. In § 36 and other places generally it gives ἔ-. In the uncertain state of the question (see Bl.-Kühn, *Gr. II*, p. 404; Meisterhans, p. 134) I have with F. followed the Ms. in all cases. See G. 517; H. 355 b.

100. ἡμῶν: Auger. ιμῶν, X. — κατεψηφισμένους ἔστοθαι: Kayser. καταψηφισθαι, X.— There is a full treatment of the popular belief in this period on the state after death by H. Meuss in the *Jahrbücher für Philologie*, CXXXIX, p. 801 ff., *die Vorstellungen vom Dasein nach dem Tode bei den attischen Rednern*. In the popular speech the dead were called neither body nor soul (*σῶμα, ψυχή*), but simply ‘the dead’ (*οἱ ἀποθανόντες, οἱ τετελευτήκτες*). Of their physical condition nothing is clearly formulated. But it was the general view that they still existed. Death did not mean annihilation, but only the end of life on earth; cf. Lys. XII. 88; II. 70. The dead were supposed to know what went on in the world, as is clear from our passage, although the idea is put more strongly here than anywhere else in the orators. Elsewhere it is conditioned; cf. Isocr. IX. 2, εἴ τις ἔστιν αἰσθησις τοῦς τετελευκόσι περὶ τῶν ἐνθάδε γιγνομένων (the same in XIX. 42, cf. 44; Lycurg. *Leocr.* 136; Dem. XIX. 66, XX. 87, XXIII. 40). It was believed that one should act so as to please them, and should avoid what would displease them; cf. the above passages, Aeschines III. 259; Isaeus IX. 4, 19; Lys. *Frag.* 74, Sch. Their friends should punish their enemies and murderers (Lys. XIII. 41, 42, 92), for they themselves were helpless (XII. 36, 88). It is clear that the Homeric idea of a consciousless *ψυχή* (the ἀμενηνὰ κάρηνα of Od. XI) is gone, although what replaces it is still quite undefined in conception.

## XVI.

**1. συνήδη**: Morgan. See App. to VII. 16. *συνήδειν*, cett.

**2. ἀηδῶς**: R. *ἀηδῶς ἡ κακῶς*, X, but R. rightly explained *ἡ κακῶς* as a gloss.

**3. ἐπιδείξω**: X, Sch. *ἀποδείξω*, Herw., F., Fr., W., and so in XXXII. 27, *ἐπέδειξε*, X, Sch., but *ἀπέδειξε*, Pluygers, F., Fr. W. In both places the reason for the change seems to be a wish to make Lysias use the same compound throughout a given speech, for in XVI. 7 and 12 the compound of *ἀπό* is used and also in XXXII. 3, 6, 20, 22, 25. But the task of establishing such conformity in the authors would be endless and useless. *E.g.*, in Lys. XXIX. 13, we have the compound of *ἐπί* (emended by nobody), but in § 5, *ἀπό*, in XXX. 15, *ἐπί*, in § 9, *ἀπό*. In Dem. XVIII. 95 and 142 *ἐπί*, in §§ 131, 250 *ἀπό*, in XXVII. 47, 48, 50, 51, 52 *ἐπί*, in §§ 19, 26, 62 *ἀπό*. The subst. *ἐπίδειξις* occurs in Lys. XXXIII. 2, Dem. XVIII. 280, but *ἀπόδειξις*, Lys. XII. 19, Dem. XVIII. 300, 310, all in practically the same sense. A different principle seems to govern Herwerden's emendation in Lys. I. 4 where he changed *ἐπιδεῖξαι* (followed by *τοῦτο ὡς*) to *ἀποδεῖξαι* because in § 5 *ἐπιδεῖξαι* is used with the simple accusative. This is exactly contrary to what he did in XVI. 3, where he changed *ἐπιδείξω* (followed by *τοῦτο ὡς*) to *ἀποδείξω*, although the latter occurs with the simple acc. in § 7 and with the partic. there and in § 12. And if the choice depended on a difference of constructions, we should certainly keep *ἐπιδείκνυμι* with the strange inf. in XXXII. 27 (*cf.* Xen. Mem. II. 3. 17), since none of the constructions used with *ἀποδείκνυμι* in the same speech are like this. The fact is, that though properly there was a distinction between the two verbs, they were synonyms in common usage, in the general sense of *show*, *prove*, and it mattered not which an author wrote. A look over the examples in Demosthenes (see Preuss's Index) is enough to convince one of this; see also the lexicon. From Lysias, I quote the following constructions: *ἐπιδείκνυμι* with simple acc., I. 5; 21; III. 44; with partic., XXIV. 1; XXX. 15; *ὅτι*, XXVIII. 9; XXIX. 13; *πότερον*, XXVIII. 10; *τοῦτο* *ὅτι* or *ὡς*, I. 4; XVI. 3; inf., XXXII. 27; mid., XII. 52; pass., IV. 12. — *ἀποδείκνυμι*, with simple acc., XIII. 51; XVI. 7; XXVIII. 4; XXX. 11; 13; XXXII. 17; 20, 22, 25; with partic., VII. 39, 43; XVI. 12; XXIX. 5; XXX. 9; XXXII. 3; 6; *ὡς*, III. 4; VII. 14; XII. 38; XIII. 33; 83; XIV. 22; XXII. 6; *τοῦτο ὡς*, XXIII. 1, *cf.* XII. 34; *ὅτου*, XII. 39; *περὶ τούτων*, XXXI. 16 (corrected by first hand from *ἐπίτ-*); pass., III. 40; XVII. 10; XXXII. 29. The conclusion is that we should follow the best codices in all such cases. — **φαίνωμαι καὶ**: R. *φαίνωμαι*, X. — **ἴππειν**: M. *ἴππειν οὐτ' ἐπεδήμουν*, X, but the position of the last two words is suspicious, and *ἐπεδήμουν* may have been suggested by the occurrence below of *ἐπεδημοῦμεν*.

**4. ἐπεδημοῦμεν**: M.'s conjecture for the verb of this clause om. in X. — **μεθισταμένης τῆς πολιτείας**: Aldus, vulg. *μεθισταμένη τῇ πολιτείᾳ*, X.

**5. καὶ μηδὲν**: Halbertsma. *καὶ τοῖς μηδὲν*, X. But there is no distinction intended between the two classes.

**6. ἐγγεγραμμένοι:** M. ἐπιγεγραμμένοι, X, wrong on account of the preceding *ἐν* and dative. — **ἀναπράτητε:** vulg. before Scheibe. ἀναπράτηται, X. Of recent editors only Jebb and Shuckburgh retain the vulg., but this seems right to me, for it is near the reading of X, and in its tense (GMT. 87) it denotes the repeated number of cases which would arise after the report of the phylarchs had *once for all* (*ἀπενεγκεῖν*, aor., cf. App. to xxxii. 2) been made. Lysias is very careful in observing this distinction between the pres. and aor. subjv. or opt. All the final clauses cited from him by Weber (*Entwick. der Absichtssätze*, p. 160 ff.) bear out the rule in GMT. (save the only apparent exceptions in which *εἰδῆτε* and *ἐπιστησθε* appear). This is particularly well illustrated in XII. 72, XXII. 15, and XXXII. 22, where both tenses are used in the same sentence. Fuhr and Sch. read *ἀναπράξητε* (Schedae Brulart., T., cf. Harp. s.v. *κατάστασις*), so Weber himself, p. 162; S. and W. read *ἀναπράξαιτε*.

**7. συνδίκοις:** followed in X by *οὐτε κατάστασιν παραλαβόντα*: del. Halbertsma, see Fuhr *ad loc.* — **γνῶναι ὅτι:** Kayser. *γνῶναι διότι* X. — **ἀποδείξειαν:** Cob. *ἀποδείξαιεν*, X. — **αὐτοῖς:** dat., in spite of its nearness to the inf., because of *φυλάρχοις* which belongs closely to the impersonal phrase *ἀναγκαῖον ήν*. Cf. And. II. 7 and my note in *Harvard Studies in Class. Phil.* II, p. 58. Below, *ἰππεύσαντας* could not be dat., in spite of its nearness to the impersonal, on account of the preceding *ἔκεινοις*. The other instances of this impersonal in Lys. are *ἀναγκαῖον μοι ἔστι λέγειν*, XVII. 1, and *ἀναγκαιότατον* ff. in XII. 9, where the *μοι* belongs to *ἔδοκει*. See App. to XII. 1.

**8. ὥστε μηδὲν δί' ἄλλο με τὸν γείσθε:** T. *ώστ' εἰ μηδὲν διαβάλλομαι τὸν γείσθε*, X. — *ἡ*: Morgan, see App. to VII. 16. *ἡν*, X, edd.

**9. ταῦτης:** X, W. *αὐτῆς*, Fr. F., but W. notes ‘*alitiae latius patent quam τὰ κατηγορημένα*.’ — **μόνων:** vulg. *μόνον*, X. Either form might stand.

**10. μηδεπώποτε . . . γενέσθαι:** for a full consideration of the syntax of this passage, see my note in *Harvard Studies in Class. Phil.* III, p. 191 f. Add XXXII. 2 to the passages there quoted. For *ἔγκλημα* in the sense of *ground of complaint*, not the mere written accusation, cf. XXXII. 2, and see M. and S., p. 195.

**11. διώκηκα:** S. *διώκησα*, X. — **τὰς:** Rn. *περὶ τὰς*, X, but cf. Theopomp. apud Athen. 261 B, 527 A, 532 D. *ἐτέρας*, Cob., W.

**13. Βοιωτοὺς,** Pertz, because Lys. did not use the article with proper names. *τοὺς Βοιωτοὺς*, X. — *ἔφην*: vulg. *ἔτι*, X. So in Plat. *Protag.* 360 E, *ἔφη*, B, *ἔτι*, T. “This use of *φάναι* is rare enough (see the note), but if it is to be altered it is better to write *εἶπον* with Dobree, cf. I. 23, than to strike out *ἔτι* with W. and write *μέν εἴκελενον ἔκ τοῦ*.” F. Still, see W. on this whole passage in *Jahrbücher*, CXXXVIII, p. 318. — **παρασκευάσαντα:** margin of the Leyden and Hamburg Aldines, R., Fr. *παρασκευάσαντι*, X.

**15. ἐνθανόντων:** M. *ἐνθανόντων*, X. — **ὑστερός:** Contius. *ὑστερον*, X. — **Στειρίως:** Cob. *Στειρίεως*, X. Contraction may occur in gen. and acc. of -eu-stems when -eu- follows a vowel. G. 267; H. 208 D. This regularly happened in

the fifth century and first part of the fourth: Meisterhans, § 55, 9. See on XXIII. 5. — ἀνθρώποις: vulg. ἀνθρ., X.

16. παριέναι: Herbst. προσιέναι, X. The object was to get by, not to attack. — ἀποκληρώσαι: M., W., on account of ἀκληρωτι below, so that ἀποκληρώσαι, X, F., would be due to a gloss. Cf. Thue, iv. 8. 9; Hdt. ii. 32; iii. 25. With ἀποκληρώσαι the phrase ἀπὸ τοῦ λαϊκοῦ στρατοπεδοῦ must be understood. — σεσωμένους: W., cf. H. 461 a; Veitch, s.v.; Bl.-Kühn., II, p. 544; Meisterhans, § 69, 3. σεσωμένους, X, F., vulg.

18. κομῷ: Hamaker. τολμᾷ, X. But ἀπ' δύεως is pointless without κομῷ, and if ἐπιτηδεύματα refers to τολμᾷ, then ἐκ . . . ἐθελόντων has no antithesis. With ἀφελεῖσθαι Lys. has elsewhere ἐκ and the gen. of things: cf. XXI. 18; XXII. 20; XXVII. 7; but of persons ὑπό, IX. 14, and ἀπό, XXVIII. 20.

19. ἀμπεχόμενοι: Dobree. ἀπερχόμενοι, X.

20. τὰ τῆς πόλεως: R. τῶν τῆς πόλεως, X.

21. τοὺς τοιούτους: Francken. τοίτοις, X. — ἄξιος τινὸς: Gebauer after Dobree's τινὸς ἄξιοις. In X, τινὸς is omitted, but ἄξιος seems not to occur absolutely in Attic. On the other hand, as τις in this pregnant sense is used (acc. to Fr., but see XIX. 58?) in only one other place in Lys. (XVII. 1), R. was perhaps right in suggesting λόγου, cf. [Lys.] IX. 13; better Cobet's πολλοῦ, cf. X. 3, XXXIII. 3. — W. with Francken supposes that the end of the speech is lost, but see Blass, *Att. Bereds.* I, p. 520 f.

## XXII.

1. δέτι: X, vulg., Thalheim. δέτε, S., F., Fr., W., unnecessarily, for in the sense here there is no actual difference between θαυμάζοντες δέτε and δέτι, and δέτε could not well belong to the *perfect* προσελήνθασιν. — τοὺς λόγους: Hirschig, F., W., approved by Sch., cf. XII. 2, XXIV. 26. λόγους, X. ποιουμένους λόγους, Fr., Thalheim.

2. ως ἀκρίτους: Aldus. ως ἀκρίτως, X, C. — γνώσεσθαι: Aldus. γνώσεσθε, X. — ἀκρίτους ἀπολωλέναι: X, vulg. Röhl considered ἀκρίτους a gloss, and F. conjectures ἀδίκως. But ἀκρίτους, though an unnecessary addition, is a natural one from the speaker's point of view; cf. Xen. *Anab.* v. 7. 29.

3. ἔνεκα: Sch. here and in §§ 12, 20 (*bis*); cf. on VII. 40, XXXII. 10. οὐνεκα, X. — βουλήν: X. διαβολήν, Halbertsma, Fr., but this leaves μέν without meaning, and αὐτοῖς and τῶν ἀλλων obscure.

4. αἰσχρὸν δ': Dobree, who transferred the δέ from δεδιώς δὲ, X, C.

5. ἀνάβητε. εἰπὲ σὺ ἐμοὶ: Fr., on account of σὺ, which shows that the first inv. is addressed to the whole company of dealers. ἀνάβηθε εἰπὲ σὺ ἐμοὶ, X, C. ἀνάβηθι καὶ εἰπὲ σὺ ἐμοὶ, R., Sch. — ἄξιοῖς: S. ἄξιοῖς ἦ, X, B. ἦ ἄξιοῖς, Francken, F., W., Fr. But the ἦ is more likely to be an interpolation than to have been transferred in position, and it is not necessary in the formula with ἀλλο τι;

*cf.* Plat. *Gorg.* 467 D, 470 B, *Euthyphro* 10 D, and Kr. *Spr.* 62, 3, 8, Kühn. § 587, 18. Yet for *ἄλλο τι οὐν ἦ*, *cf.* And. I. 95.

6. *πλείω σῖτον*: M., after *σῖτον πλείω*, Stephanus. *πλείω* om. X, which, acc. to W., has *πόλεωιτον* corrected to *πόλει σῖτον*.

7. *χρῆν*: R. *χρή*, X. — *καὶ μακρότερον*: X, vulg., F. *διὰ μακροτέρων*, P. R. Mueller, Fr., W., as the usual phrase, *cf.* Isocr. xiv. 3. Cobet wrote *μακρότερα*, on the ground that not *μακρῶς* but *μακρὰ εἰπεῖν* (*cf.* Isocr. iv. 73) is proper; but *cf.* *λεγόμενον μακρῶς*, Antiph. *Incert.* 268 Kock. And for *μακρότερον* (= *a longer speech*) F. compares Hyper. III. xlviii. 20, *βραχὺ δ' ἔτι εἰπάνω*.

8. *τέτταρες*: Bergk. *δύο*, X, i.e. in archetype *δ'* (= *τέτταρες*) which was taken for *δύο*. *Cf.* Kaibel on And. I. 17 in *Hermes* XVII, p. 414, Droysen, *Sitzungsber. d. Berl. Akad.*, 1882, p. 218. *νῦν*, Thalheim. — *φιλονεικοῦσιν*: X. *φιλονικοῦσιν*, F., W. — *κανὸν ὄβολῳ*: Graux, F., W. (who omits *αὐτὸν*). *ὄβολῳ* X, vulg. See p. 90, note 18.

9. *δὲ τῆτες*: Emperius, Thalheim. *δὲ ἐπίτηδες*, X. *δ' ἔτι τῆτες*, R., W. *δ' ἐπὶ τῆτες*, Fr. *δ' ἐπὶ τῆσδε*, B., Sch., F. — *καὶ ωἱ... φαίνονται*: F. considers this an interpolation, as Lysias does not elsewhere add anything after *παρέξομαι* but at once produces the witness (in X a lacuna here follows that word with *μρα* in the margin), and because of the somewhat awkward repetition of *οὗτος, τούτους, οὗτοι*. It may be added that the words from *οὗτοι δέ* seem scarcely to depend strictly upon *ωἱ*, for Anytus would be called merely as a witness to what he had said the year before. Wilamowitz, *Aristoteles und Athen*, I, p. 377, would omit *ωἱ* and set a colon or period before *καὶ*.

10. *ἀπολογήσεσθαι*: Stephanus. *ἀπολογήσασθαι*, X, Aldus.

11. *ἄλλὰ γάρ*: Aldus, R., edd. *ἄλλὰ μὲν γάρ*, X. — *τούτῳ τῷ λόγῳ οὐκ ἐλέγεσθαι*: W., Thalheim; for *ἐλέεω* similarly used *cf.* § 21, XXVII. 12, XXVIII. 14, Plat. *Apol.* 34 C, Dem. xxvii. 53, and see on § 21. *τοῦτον τὸν λόγον οὐκ ἐλέγεσθαι*, X, vulg. *καταφεύξεσθαι*, Rn. *τρέψεσθαι*, Cob. *πορεύεσθαι*, Fr. On *ἐλέγεσθαι*, only here in Attic prose, see Lobeck, *Phryn.*, p. 37 f. Rutherford (*New Phrynicus*, p. 110) defends it here, believing that the inf. *ἴεναι* never has a fut. sense. But see GMT. 30, and for two excellent examples of a future sense in *-ἴεναι*, *cf.* xxv. 22. It may be that *ἐλέγεσθαι* was a gloss on some rare word of similar meaning. — *ὑμῖν*: C. *ἡμᾶν*, X.

12. *ἔνεκα*: see App. to § 3. — *νῦν*: Hofmeister, *Iota Demonstr.* p. 45. *νῦν*, X, vulg. — *ὑμᾶς μάρτυρας παρέχομαι*: X, Thalheim, vulg. before Sch., who followed M.'s *ὑμῖν μάρτυρας παρέξομαι*. *ΜΑΡΤΤΡΕΣ*, so F., W. It is true that one might expect *αὐτοῖς* with *ὑμᾶς* (*cf.* vii. 25, xii. 74, Plat. *Apol.* 19 D), yet the change is unnecessary.

14. *αὐτοί*: M. *οὗτοι*, X. — *κεκληγέσθαι*: S. *κεκλεῦσθαι*, X, Sch.

15. *ἐν τοῖς αὐτοῖς*: Rn., Cob., Fr., F. *ἐν τούτοις τοῖς*, X, Sch., W. *ἐν τοῖς καιροῖς*, Thalheim. — *ἐν οἰστπερ*: X. *ώσπερ*, Thalheim. *ἐν οἷς περιγλυγονται*, W. *ἐν οἰστπερ οὐδὲ*, R. Observe that the clause *ὅταν γάρ κτλ.* is not so narrow in sense as not to include war times.

17. *ἐστιν*: X., F., Fr., Thalheim. *ἐστίν*, Sch., W., after Hermann's theory, see Göttling, *Accentl.*, p. 404.

18. *ἀρνούμενων*: a wholly uncertain restoration which, in order to give an antithesis to *τοὺς ὄμολογοῦντας*, I write after *καὶ ἀρνούμενων*, Dobree. *ἄλλ' ἀρνούμενων*, S., F., W. (where the conjunctions seem unlikely). Cf. *ἄλλ' ἀμφισβητούντων*, Fr., *ἀμφισβητούντων*, Thalheim. *λαμβάνειν*, X., which M. and Sch. merely omit as dittography from below; but F. suggests that *ἀμαρτάνειν* may have somehow stood here. *πειρωμένων λανθάνειν*, R. — *ἐπιθυμεῖτε*: X., F., Thalheim, cf. GMT. 503, Gebauer, *Arg. ex contr.* p. 50. *ἐπεθυμεῖτε*, R., Sch. *ἐπιθυμοῦτε*, Dobree, Fr., W. — *τῶν ἀρνούμενων*: after these words R. and W. add *ἢ παρὰ τῶν ὄμολογοῦντων*, unnecessarily, cf. xxxii. 21, Xen. *Anab.* vi. 1. 23, both cited by F.

19. *τούτων*: Kayser. *αὐτῶν*, X.

20. *ἴνεκα*: see on § 3. — *παραδείγματος*: X.; om. Dobree, but cf. [Isocr.] i. 34, *παραδείγματα ποιοῦ τὰ παρεληλυθότα τῶν μελλόντων*. — *οὕτω γάρ*: X. *οὗτοι γάρ*, T., W. — *μόγις*: X., edd. *μόνως*, P. R. Müller, cf. Aeschin. i. 34, *μόνως γάρ ἀν σύντος ἀνεκτο γένοιντο*, and Dinarch. i. 27. But for *μόγις* F. cites the use of *μόδις* in Isocr. VIII. 27, [1]. 52, Dem. *Proem.* xxx. — *αιροῦνται*: T. *αἰτοῦνται*, X. — *παύσασθαι*: Aldus, vulg. before Sch., who with later edd. wrote *παύεσθαι* for *παύσασθαι*, X. But the aor. is the proper tense here as in § 8. Cf. GMT. 87, and see App. to xvi. 6.

21. *ἀπέθνησκον*: cf. Meisterhans, p. 50. *ἀπέθησκον*, X. — *ἔφ' οὖς*: R. *ἔφ' οἰς*, X., but cf. § 5. — *παρὰ τούτων*: T. *παρ' αὐτῶν*, X. — *τιν' αὐτοὺς*: R. *τινα αὐτοὺς*, C. *τὴν αὐτὴν*, X. — *εἰσπλέουσιν*: R. *ἐκπλέουσιν*, X.

22. *ὅτου*: S. *ὅτε*, X., Sch. This emendation removes one of the rare uses of the indic. in a general condition cited in GMT. 535.

### XXIII.

1. *τουτῷ*: Sch. *τούτῳ*, X., vulg. On the omission of the article, see Rn. on xiii. 16, xxiv. 6, and Hofmeister, *Ueber Gebr. und Bedeut. des Jota demonstr.*, p. 33 f.

2. *ὅποθεν*: M. *ὅποτε*, X. — *Ιπποθωντίδι*: S. from inscriptions, cf. Meisterhans, p. 17. *Ιπποθωντίδι*, X.

3. *τοὺς Ἐρμᾶς, ἵνα οἱ*: vulg. *τοὺς ἐρμασινᾶ. οἱ*, X. *τοὺς Ἐρμᾶς οἱ*, W. On the position and nature of 'the Hermae' see Milchhöfer in Baumeister's *Denkmäler*, p. 166, and the passages collected by him in Curtius, *Stadtgeschichte von Athen*, p. XXXIII, 90 ff., and p. XCII, 40 ff. The old view (still defended by Curtius *ibid.* p. 170) that they were a double row running east and west and dividing the market into halves, the 'political agora' lying to the south, is not supported by these passages. These show only that 'the Hermae' began at the

Stoa Poecile (situation doubtful) and the Stoa *τοῦ βασιλέως*, that they were many, that the place where they stood was called simply *οἱ Ἐρμαῖ*, that they were a good starting point for making the circuit of that part of the market where were the *ἰερὰ καὶ ἀγάλματα*, that they were near shops, that they were probably not in a stoa, and that they were in the market. (I owe this note to Professor White.) — γιγνώσκοιεν: γινώσκοιεν, X. — φεύγοι: R. φύγοι, X.

5. Πλαταιῶν: Cobet on Hyperid. *Epitaph.* p. 44; cf. Meisterhans, p. 37, and see App. to xvi. 15. So Πλαταιᾶ and Πλαταιᾶ throughout this speech. Πλαταιέων, etc., X, vulg. — ύόν: Morgan, and so below. Cf. App. to xii. 34. *vñv*, X, edd.

6. γιγνώσκοι: γινώσκοι, X. — ύδον: see on § 5. — ηδη: Morgan. See App. to xii. 15. — ἔην: Rn., cf. Meisterhans, pp. 66, 130. ἔην, X, vulg.

9. ύπὸ τοῦ Heldmann, F., W. ύπδ, X, Sch. — ἐμαρτύρησεν: X, which Sch. defends against Westermann's ἐμαρτύρετο. — εἰς αὔριον: Wilamowitz, *Arist. und Athen*, II, p. 371, note 6. εἰς ἀγορὰν, X, edd.

10. ἀντιγραφῆς: edd. before and since B. ἀντιγρᾶ, X. ἀντιγράψεως, C, B. — λέγων: after it Rn.<sup>7</sup> inserted δέ τερος, believing that there was a difference in meaning between ἐξαιρέσθαι and ἀφαιρέσθαι here; but cf. F.'s critical note, and M. and S. p. 659.

11. τοῦτον ἐξαιροῦτο ἡ ἄγοι φάσκων: Sch. after R. who conjectured τοῦτον ἐξαιροῦτο ἡ εἰς δουλειαγάγοι φάσκων. τοῦτον ἄγοι ἡ φάσκων, X.

13. γιγνώσκειν: γινώσκειν, X. — αὐτὸς: Hertlein. οὗτος, X. — Ἀριστόδικος: C, corrected. ἀριστόδημος, X, C1.

14. ἐπισκηφάμενος: T. ἐπισκεψάμενος, X. — αὐτὸν: C. αὐτὸν, X. — ἐπειδὴ: ἐπει, X. See on xxxii. 2. — ἐξέτισε: F., cf. Meisterhans, p. 144. ἐξέτισε, X, vulg. — καθ' ὅ τι: Morgan. καθότι, X, edd.

15. ἐκεὶ ϕκει: Rn. after M.'s ϕκει ἐκεῖ, the adverb being omitted in X.

16. ἀ καὶ: Wilamowitz, *ibid.* p. 372, note 9. καὶ ἀ, X, edd.

## XXIV.

1. οὐ πολλοῦ: C, D'Orville, B. πολλοῦ, X, Aldus, R. δλιγον, Contius, Cob. πολλὴν δλιγον, W. — γὰρ: M., om. X. — ἐφ' ῥ̄: X, edd. ἐφ' ῥ̄, Dobree; but for the gen., cf. Ilid. vii. 150; Isoer. xx. 13 (where, however, his avoidance of hiatus may account for it), and Dem. xxi. 180, τὴν ἐπὶ τῆς πομπῆς καὶ τοῦ μεθύειν πρόφασιν. See Lutz, *Präp.* p. 102. — δοῖν: for the fullest consideration of the construction, see Hale in *Transactions Am. Phil. Assoc.* 1893, p. 156 ff. — δξιον: as βεβιωκα δξιος does not seem to be Greek, we must emend with R. to δξιως, or else, as Rn. suggests, insert βιον, unless indeed the distance of δξιον from βεβιωκτα accounts for the solecism.

2. δοκεῖ: Aldus. δοκῆ, X. — εἰ μὲν κτλ.: X, explained, as in the note, by Guttentag, F., Thalheim. οὐ μὲν γὰρ ἔνεκα χρημάτων με (C) συκοφαντεῖ, S., Sch., and οὐδ' ᾧ . . . τιμωρεῖται (omitting ψεύδεται), Cob., Kayser, Sch.

3. λᾶσθαι: Cob. λᾶσθαι καλῶς, X. λῖσθαι, εἰκότως, P. R. Müller, Thalheim.

4. οἶός τ' ὁ: P. R. Müller, W.; cf. Dem. XXXVII. 3. οἶον, X. οἶόν τε, Aldus, vulg. But the subjv. of εἴμι is not elsewhere omitted in this formula in the orators (Schulze, Quaest. Gramm. p. 17, who conjectured οἶόν τ' ἦ), and in it the personal construction prevails, as Schulze's examples show. Cf. ᾧ ἀν δύνωμαι, XII. 3, 62, XVI. 9, XIX. 1. The omission of the subjv. in Antiphon, v. 32, vi. 8 (if genuine) does not affect the usage in our formula.

5. τὴν . . . εὔποριαν . . . τὸν ἄλλον: Aldus, C. τῆς . . . εὔποριας . . . τῶν ἄλλων, X, Stephanus. — τυγχάνει: X. τυγχάνω, Aldus. τυγχάνει ὡν, R., B.

6. ἡν ἀν: T., cf. Bohlmann, de attractionis usu, p. 28. ἡς ἀν, X.

7. τοὺς καὶ: R. καὶ τοὺς, X.

8. ἐπόμενα: C, R. ἐχόμενα, X. — τότε ἀφαιρεθείην: X. τοῦτο ἀφαιρεθείην, Rosenberg, Fr., W.; but cf. the passages quoted in the note, and Gebauer, de Arg. ex contr. formis, p. 112.

9. κατασταθεῖς: for the occurrence of this aor. pass., see Gebauer, App. to XII. 35 (larger edition), and Bl.-Kühn. Gr. II, pp. 197, 588. In our passage, F. and Fr. think that it is employed to give a comical rhythmical effect, which they indicate by εἰ γὰρ ἔγω | κατασταθεῖς | χορηγὸς | τραγῳδοῖς. — προκαλεσαμην: R. προσκαλεσαμην, X. — καὶ: X. εἰτα, C, B. κατοι, Cob., F., W. κατα, Gebauer. — τύχοι τι: Emperius. τύχοι τις, X. — γενόμενον: X. γενόμενος, C, B. — ὄμολογεν ἀν ἐμὲ: inserted by Rn., F., Thalheim, after Kayser's ὄμολογεν ἀν, following εἶναι. — καὶ ἔτι πονηρότερον: X, F., Fr. καὶ τι ἔτι πονηρότερον; S., Cob. καὶ ἔστι τι πονηρότερον; Sch.

10. ἔγώ γὰρ οἶμαι: F., after C, which has πάντας οἶμαι, and so B., Turr., Thalheim. ἔγω γάρ, X. ἔγνων γάρ, Sch. εἰκὸς γάρ, Kayser, Fr. — τοῦτο ζητεῖν: F. (see his Animad. in Or. Att. p. 37), Thalheim. τοιοῦτο ζητεῖν, X. τοιοῦτον τι ζητεῖν, Schl. τοιοῦτον ῥάστωνην τινὰ ζητεῖν, C, B., Turr. — ἔγώ, καὶ: X, Sch., W. ἔγώ ὡν καὶ, R. ἔγώ ὡν, Herw., F., Fr., Thalheim, but unnecessarily; see my note. — ἔξηνον: ἔξενον, X. — τῶν ἀναγκαῖων: this, according to Rademacher (Jahrb. für Philol. CLI, p. 241), is a spuria iocatio. He compares Xen. Cyr. i. 6. 36, and concludes that the cripple means that he uses a horse for all journeys longer than those εἰς τάναγκαῖα.

11. ἀναβαῖνω: in X follow the words ῥάδιν ἔστι μαθεῖν, del. Sch.

12. τοῦτον ἀν: Kayser. τοῦτον, X. σιωπᾶν ἀν, Sch. Yet the ἀν may be unnecessary if σιωπᾶν represents such an impf. as ἐκέρδαινον in VII. 32; so Kocks. — δυνατός εἴμι: Kayser. δυνατὸς εἴην, X.

13. πάντας: X, vulg. As Snid. s.v. ἀνάπηρον has ἀσαντας, Fr. conjectured ἀλεήσαντας and Rn. πεισθέντας. — θεσμοθέται: inserted by Fr. Om. X, Sch.

14. οὕθ' οὗτος . . . εὖ ποιῶν: I have indicated a lacuna, being unconvinced by any of the emendations proposed for εὖ ποιῶν of X. The words εὖ ποιῶν may

mean *happily, fortunately* (see Fr., Thalheim), or *and he is right* (*cf.* XXXII. 17, XXVIII. 8); or some word like *φαίνεται* may be lost. At any rate, we need something to lead up to the following *γάρ*, which cannot refer back to § 13, as the train of thought is changed at § 14 with *ἀλλὰ γάρ*, ‘enough of this nonsense, for —’ (see on XII. 99). Jebb conjectures *οὐθ' οὐτος εὐλογα δοκεῖ ποιεῖν*, which seems to me too violent, though it is in the right direction. *εὖ φρονῶν, if he is in his senses*, Rn., F., after *ὅστις εὖ φρονῶν*, M. *οὐθ' ὑμὲν οὔτος (οὐτος ὑμῖν, R., Fr., Thalheim) εὖ ποιῶν*, Contius. *εὖ νοῶν*, S. — **ἐπικλήρουν**: Stephanus. *ἐπὶ κλήρου*, X.

**15. λέγει**: C. *λέγω*, X. — **ὄνομάσειε**: Rn. *ὄνομάσαι*, X. — **μέλλων**: X. *μέλλων δόξειν*, Herw., Cob., F. — **πραόνως, ταῦτα**: Kayser, F., Thalheim (Emperius had conjectured *πραόνως μηδὲν*). *πρᾶον ως μηδὲ ψεύδηται ταῦτα*, X. *πραόνως, μηδὲ ψεύδηται, ταῦτα*, Sch.

**16. τοὺς πενομένους**: R. *πενομένους*, X.

**17. πρεσβυτέροις**: Fr. *έτεροι*, X, Sch.

**18. οὓς ἄν**: B. *οὓς ἔαν*, X. — **ὑπάρξαντας**: Stephanus. *συνάρξαντας*, X.

**20. μυροπώλιον**: X; *cf.* Dem. XXV. 52, XXXIV. 13, and *ἀρτοπώλιον*, Ar. *Ran.* 112, *frag.* 1, Kock; also Bl.-Kühn. *Gr.* II, p. 276. *μυροπωλεῖον*, C, Sch. In C, δὲ follows this word; in X, οἱ δὲ. — **ὅποι**: B. *ὅπη*, X. — **τόχη**: Stephanus (*τόχη*, Aldus). *τόχοι*, X. — **τοὺς ἐγγυτάτω**: M. *ἐγγυτάτω*, X. — **τοὺς πλειστον**: M. *οὐ πλειστον*, X. — **άμουγέπον**: Morgan; *cf.* Bl.-Kühn. *Gr.* I, p. 614. *άμουν γέ που*, edd. since Bekker, who emended *ἄλλου γέ που* of X.

**21. ὑπὲρ**: X, edd. except F., Fr., Thalheim (who read *περὶ* without a note). — **όμοιως τούτῳ φαύλων**: X, Aldus, Sch., Fr.; *cf.* Blass, *Att. Ber.* I, p. 639. *φαύλων* *όμοιως τούτῳ*, Dobree, F., Thalheim, W.

**22. μηδ' οὐ**: vulg., where X has *μὴ δ' οὐ*. Fuhr notes that, if *μηδ'* *οὐ* is right, a lacuna must be supposed before it; see his App. to XIX. 49. *μὴ τοῖνυν οὐ*, W. — **μόνου**: M. *μόνον*, X. — **ἀρχῶν**: X. Om. Kayser, Fr., Thalheim, W., *cf.* *τῶν καλλίστων καὶ μεγίστων* in § 23; but *τῶν μεγίστων* has just been used in § 21 in a very different sense. Hence I think *ἀρχῶν* necessary here.

**23. δειλαιότατος**: M. *δικαιότατος*, X. — **ἀπεστερημένος εἴην**: X. For *εἴην* here Hertlein read *ἡν*, and Fr. *εἰμι*, but see note, and *cf.* Gebauer, *de Arg. ex contr. formis*, p. 204. — **θῆσθε**: B. *θέσθε*, X. — **τὴν Ψῆφον**: Contius, T. *τῇ ψήφῳ*, X.

**24. φιλαπεχθήμων**: after this word F. sets *ἀλλ' οὐδ' ἀν . . . διοιως* (§ 25), and puts *ἀλλ' οὐ τοιάνται . . . χρώμενος* after *βίαιος*. But, as Thalheim remarks, the two questions are much alike, *ὑβριστής = φιλαπεχθήμων, βίαιος = θρασύς*. And as the answer *οὐδ' ἀν φήσειε κτλ.* evidently refers to § 15, it belongs to the question *ἀλλ' ὅτι . . . βίαιος*, which merely repeats the expression of § 15. — **βίου**: followed in X by *πρὸς τὰ τοιάντα*, del. Francken and later editors.

**25. ἀλλ' οὐδ' ἀν**: C. *οὐδ' ἀν*, X. — **Χαλκίδα**: Fr. and later editors. *Χαλκίδα τὴν ἐπ' Εὐρίπῳ*, X. — **ἀπάντων**: X, F., Sch. *περὶ ἀπάντων*, Dobree, Fr., W., thinking that *κινδυνεύειν* needed an adverbial modifier to correspond to *ἀδεῶς πολιτεύεσθαι*; but F. compares XXXI. 7. *ἐνδεής ἀπάγτων*, R. *ἀπελθών*, Bäker,

Thalheim. A word or two may have been lost, but *ἀπάντων* alone makes sense; see the note.

26. ὁμοίων: Contius, Cobet, Francken, recent editors. ὁμοίως, X, Sch. — αὐτῆς: corr. in X from *αὐτῶν*.

27. περιγέγνεσθαι: περιγένεσθαι, X.

### XXXI.

1. εἰς ὑμᾶς: Cob. and later edd. ὡς ὑμᾶς, X, Sch. In his critical note to 1. 10, Frohberger cites twelve other passages in Lysias (besides three in spurious orations) in which *ὡς* appears as a preposition (as, e.g., in § 13). But none are cases of this legal phrase. Still, from Lutz, *die Casus-Adverbien bei den attischen Rednern*, p. 8, it appears that Lysias was rather fond of using *ὡς* as a prep., and it may be the right reading here. — εἰς τὸ βουλευτήριον: B. εἰς τὸ δικαστήριον, X; cf. xxx. 34. Halbertsma and W. omit the words, but they are necessary for the sense; cf. [Lys.] xx. 1, 14, 17. — βουλεύσειν: Fr. συμβούλεύσειν, X, Sch., W. The latter word is used properly in Plat. *Apol.* 31 C, but not here.

2. ἀποφανεῖν: Cob. ἀποφανεῖν, X, Sch. — τῷ δυνάσθαι: the only causal usage of the articular inf. in Lysias. Birklein, *Entwickel. der subst. Infin.* p. 60.

3. ἔγώ τε: M. ἔγωγε, X. — δημός δ': M. δημως, X, Sch.

4. περὶ αὐτὸν: Lutz, *Präp.* p. 136, cites half a dozen other examples of this use of *περὶ*, but no other from Lysias. It is common in Plato and Plutarch. — εἰσι λέγειν: R. εἰσι λόγῳ, X. εἰσι τῷ λόγῳ, Sch. — ἐμοῦ μόνου: Fr. μόνου, X. — ὄποιός: F. suggests ὄποις τις, as the simple ὄποιος is not found elsewhere in Lysias. See his note.

5. πρὸς τῷ εἶναι: the earliest occurrence of *πρὸς* with the dat. of the art. infin., and the only one in Lysias. Birklein, *ibid.* p. 60. — μετέχουσι: X, edd. before B., W. μετέχουσιν, B. (after C?), F., Fr.

6. οὗτοι δὲ: C, B. οἱ δὲ, Fr., W. καὶ γὰρ οἱ, Aldus, R., Sch. καὶ γὰρ, X. — καν: Dryander, W.; cf. § 22. ράδιως ἀν, Rn., F. ἀν, X, Sch.

8. κατὰ τοσοῦτον: C, R., B. κατὰ τοσοῦτο, Fr.; but in Lysias the form in *ν* prevails even before consonants, Bl.-Kühn. *Gr.* I, p. 606. κατὰ τοῦτο, X, Sch. — ἀστέως: see App. to XII. 92. ἀστεος, X. — τάναντια: C, B. τὰ ἐναντια, X.

9. ἐνθένδε: B. ἐνθάδε, X. — μετεβάλλοντο: W., F. μετεβάλοντο, X, vulg. — κατειργασμένοις: C, R., vulg. κατειργασμένω, X. — οὐ γὰρ: W., F. οὐδ', X, vulg. — παρέσχεν: R., after παρέσχε of Stephanus. παρασχεῖν, X, Sch.

10. καίτοιγε: Sch. καὶ γὰρ, X. — ὑμᾶς: T. ὑμᾶς, X. — μὴ ἐβουλόμεθα: M. μὴ βουλόμεθα, X.

12. ἦν ταλαιπωρεῖν: T. ἦ ταλαιπωρεῖ, X. — δράτε: Aldus. δρᾶται, X. — ληπτουργεῖν: F.; cf. Meisterhans, p. 28. λειπουργεῖν, X, vulg.

13. ὁς οὐ τι: S. οὐτ' εἰ, X. — συγκατελθεῖν: after this word, X has φή δὲ καὶ ταῦτα καὶ αὐτὸς γενόμενος, which I have seen merely omitted, not being satisfied with any emendation which I have seen proposed for this place. καὶ ταῦτα, ω̄ς φησί, καὶ ἀστὸς γενόμενος, C, B. φησὶ δὲ ταῦτα καὶ αὐτὸς παραγενόμενος, Sluiter, who took the words as a gloss referring to Lysias. οὐκοῦν μετ' οὐδετέρων ἢν βουλεύσειν ὁ τοιοῦτος γενόμενος, F., with Rn., who meant these words as a transition to εἰ μέντοι κτλ., not pretending that they were what Lysias wrote. φαίνεται δὲ κατὰ πάντα κακὸς γενόμενος, W.

15. ἐπιγενομένην: Herw. γενομένην, X, Sch. — ληπτουργεῖν: see App. to § 12.

16. ἀποδεῖξω: corr. by first hand from ἐπιδεῖξω in X. See App. to xvi. 3. — ἐνθαδ': Aldus. ζνθα, X, om. C. — Διότιμον: Fr. αὐτὸν Διότιμον, X, Sch.

17. ὡφελήσει, κερδανεῖ: C, vulg. ὡφελήσοι, κερδαῖνοι, X. ὡφελήσαι, κερδαῖνοι, Aldus. Lysias has no sure case of the rare fut. opt. in an object clause; see Weber, *Entwickel. der Absichts-Sätze*, p. 164. — ὄρμώμενος: Aldus. ὄρμωμενος, X.

18. πρεσβυτέροις: Naber, Halbertsma. πρεσβυτάτοις, X, Sch. — τάναγκαῖα: Dobree. ἀναγκαῖα, X, Sch. — αὐτόν: the dative seemed necessary to R., and W. amends to αὐτοῖ, both being changes to avoid the somewhat rare acc. with ἐπεξελθεῖν. But αὐτοῖ, as F. remarks, leaves the verb absolute. This might be supported by such a place as Xen. *Anab.* v. 2. 7, μάχονται γὰρ ἐπεξεληλυθέτες καὶ ἡ ἀφοδος χαλεπή, but no change is required in view of Antiphon I. II; II. a. 2; IV. γ. 6; Dem. xxi. 107, xxxvii. 59 (passages cited by Baiter and Sauppe); Eur. *Androm.* 735 (cited by Maetzner).

19. τότε τὸ ἀφελόμενον: R. τό τε, ἀφελόμενον, X. — οἰκτίραντες: W., F. οἰκτείραντες, X, Sch. See Meisterhans, p. 142.

20. οἴδα: Contius, T. ἥδη, X. — γιγνώσκειν: B. γινώσκειν, X. — οἱ οἰκεῖοι: T., M. οἰκεῖοι, X. — τοιαῦτα: the explanation in the note is Rn.'s. But Fr. thought that something was missing after ἔστιν, as, e.g., τὰ περὶ τούτους αὐτῷ ἡσεβημένα. Heldmann set οἰδα μὲν . . . παρῆσω before τοιαῦτα. — δίκαιον: Emp. ίκανόν, X.

21. ὕδον: see App. to XII. 34. — ἢν ποιήσαντα: Dobree, Cob. ἢν ποιήσοντα, X, Turr., Sch. ποιήσοντα, Dobree, Francken, Fr., W. In deference to the present prevailing opinion, I have not left ἢν with the fut. partic. in the text, though far from persuaded that it cannot stand here as well as in other passages in Attic prose with fut. indic., opt., and partic., as a survival of the usage actually found in Homer, even though its syntax is much disputed there. See Humphreys in *Amer. Jour. Phil.* III, p. 114; GMT. 197, 208, 216.

\* 22. μίκρ': Emperius. μηδ', X.

24. ἢν: B., om. X. — ω̄ς ἔσται: in xxx. 26 f. we have a question similar to τι ἢν δοκιμάσαιτε, followed by similar constructions, viz.: διὰ τι δ' ἢν τις ἀποψη-φίσαιτο τούτους; πότερον ω̄ς . . . παραγενημένους; (ω̄ς causal and subjective) . . . ἀλλ' ἔτι . . . εἰσενήνοχεν; (causal) . . . ἀλλ' ω̄ς, ἐὰν νῦν αὐτοῦ φείσησθε, αὐθὶς ἀποδώσει τὰς χάριτας; Cf. Plat. *Gorg.* 509 E, δεῖ δύναμιν τινα καὶ τέχνην παρασκευάσασθαι, ω̄ς, ἐὰν μὴ μάθῃ αὐτὰ καὶ ἀσκήσῃ, ἀδικήσει; where cf. οὐ γὰρ ἀδικήσει just above. Weber, *ibid.* p. 163, classes our clause as final. Gildersleeve (*A. J. P.* VI, p. 57) says:

'One would have expected ἀλλ' ὡς ἐσθμενον βελτιω, but possibly some such notion as ἐλπίζετε (xiv. 2) was floating through the mind of the orator. A slight anacoluthon is preferable to Weber's harsh construction.' But the explanation given in the note, with the examples (cited by F.) just quoted and others in Krüger, seems to me satisfactory.—**τότε κακὸν**: C. τότε ἀγαθὸν, X.—**πᾶσι**: X, Rn., Fr. τοῖς πράξαις, Francken, W. But the emendation is as weak as the Ms. reading, for the gnome does not require application to a special person or a class. Herwerden suggested φασι, supposing that we have here a proverb, ὑστερον τῶν ἔργων κτλ. F. suggests δεῖ.

25. **τοὺς πονηρούς**: vir celeberrimus apud Taylorum. τοὺς πονηροὺς, X.

26. **ναῦς**: F., *Animadversiones in Oratores Atticos*, p. 46, from the law quoted in the note; cf. Poll. viii. 52. ναῦν, X. —**ὅπως μὴ**: R. ὅπως. X. —**ἀλλ' ὅπως τιμήσεται**: lacking in X, inserted by Rn. after M.'s ἀλλ' ὅπως τιμηθήσεται. For the use of the fut. mid. as pass., see La Roche, *Beiträge zur Gr. Gram.* I, p. 227 ff.; Bl.-Kühn, *Gr.* II, p. 112.—**γ'**: Stephanus. τ', X.—**ταλαιπωρίας**: S., F., W. τιμωρίας, Dobree, Sch. ἀτιμίας, Kayser. Fr. ἀτοπίας, X. But perhaps it would be best to omit, with Hundeck (*Quaest. Lys.* p. 6), the words καὶ τῆς μεγίστης ἀτοπίας as due to a gloss on τοῦ δουλεύειν. —**ἀγωνίζοιτο**: Rn., and it is now generally adopted as a *pis aller*, for the place is still in need of a better emendation, and ἀγωνίσαιτο (R.) would be the better tense. ἐκκλησίσεται, X. ἐκκλησιάζοιτο, C.

28. **ποτὲ**: vulg. τοτε, X.

29. **κατὰ τὸ προσῆκον**: Rn. οὐ κατὰ κτλ., X. But it was the duty of metics to do service in war; see note and Gilbert, *Antiq.* p. 178. —**ἀτιμίᾳ**: F. and Fr. seem to think that this refers only to the disgrace of rejection. But the term is strong (and repeated in ἀτιμάζετε, § 33), and is hardly, if ever, used in the orators except in the technical sense. Meier and Schoemann, p. 245 f., quoting this passage with Dem. xxv. 30, and believing that Harp. s.v. *παλιναρέτος* does not prove conclusively that a rejected candidate could stand again (the view of Fr.), hold that, in certain cases of ἀποδοκιμασία, disability to hold office followed. But they admit (p. 1028) that Theramenes was chosen ambassador only a year after he failed to pass the *δοκιμασία* for *στρατηγός* (*Lys.* XIII. 10).

30. **δι' ὁ τι ποτὲ**: Sch. διότι ποτὲ, B. δότι ποτε, X, Aldus.—**γεγενημένους**: Gebauer, F. γεγομένους, X, Sch., Fr., W. γενομένους, R. —**παρεδείχθη**: Rn. ἐδείχθη, X. κατεδείχθη, Fr., Gebauer.

31. **πατρίους**: van der Es, Fr., W. πατρίφους, X, Sch.—**καὶ οὕτω νῦν**: so I have emended, after Gebauer's (*de arg. ex contr. formis*, p. 31) πρότερον καὶ τῶν κατεργασμένων οὕτω νῦν τιμηθῆναι. For a similar, though not exactly the same usage, cf. δύως δὲ φανεται καὶ οὕτως ἐνδεεστέρα, Thuc. i. 10. 3. καὶ οὕτω συντιμηθῆναι, X, where the συν- is inconsistent with πρότερον. καὶ οὕτωσι γε τιμηθῆναι, R. καὶ αὐτῶν κινδυνευσάντων, Rn., F. αὐτῷ σωτήρια τιμηθῆναι, W. —**εἰ οὗτος κτλ.**: on the varying uses of the negatives in this sort of co-ordination after verbs of

wonder, etc., cf. Morris on Thuc. i. 121. 5; F. on Lysias xxx. 32; Fr. on our passage; Kühn. Gr. § 513, 5; and Goodwin, cited in my note. Our passage is the only one known to me in which the negatives in the two clauses are of different sorts. For a large collection of these sentences, see Gebauer, *de arg. ex contr. formis*, p. 154 ff.

32. ἡδύναντο: see App. to XII. 99.—**βουλεύεσθαι**: C., B., Turr., Sch. βούλεεσθαι, X (μούλεεσθαι acc. to W.). ἀγωνίζεσθαι, Fr., F. διαμάχεσθαι, W.—ἄλλων γε: Stephanus. ἄλλων τ', X (acc. to W.). ἄλλων, C. ἄλλων τῶν, W.

33. ἀτιμάζετε: X, vulg. ἀτιμάσετε, Fr., F., W.—**διαμαχούμενος**: M. διαμαχόμενος, X.

34. **ἰκανά μοι**: R. (cf. XII. 79). **ἰκανὰ μέν**, X.—**καίτοι**: X, Sch., Turr. καίπερ, Fr., F., W. The use of *καίτοι* with the partic. is very rare in Attic, yet see Ar. *Ecccl.* 159, Xen. *Mem.* i. 7. 2, Plat. *Rep.* 511 D; cf. also Simon. ap. Plat. *Prot.* 339 C. In late authors it is common; cf. Strabo, pp. 37, 70, 812; Plut. *Pericles*, 13; Arrian, *Anab.* i. 5. 7; iii. 26. 2; iv. 21. 4; vii. 6. 2, 16. 3, 20. 8; Luc. *Nigr.* 8; 20; *Tim.* 34; *Alex.* 3; *de Salt.* 64; 79; *Hist. Conscr.* 40; 57; V. H. i. 28. The usage is natural enough and emendation seems unnecessary.—**τούτων αὐτὸν**: R. τούτων αὐτῶν, X.—**ὄντες αὐτοῖ**: Aldus. οντες αὐτῶ, X.—**καινὰ**: anon. apud T. κοινὰ, X.

## XXXII.

This speech is not found in the MSS. of Lysias. It is preserved (see p. 155) in Dion. II. *De Lysia iudicium* (Reiske, V, p. 497 ff.). The best manuscripts are M = cod. Ambrosianus D 119, of the fifteenth century, and F = cod. Laurentianus or Florentinus 59, 15, of the twelfth century. I have used L. Sadée's collation of them, in his dissertation *De Dionysii Hal. scriptis rhetoriciis*, Argentorati, 1878, p. 112 ff., employing also Desrousseaux's edition of Dionysius, *Jugement sur Lysias*, Paris, 1890, and on the MSS. in general, Usener in the *Jahrb. für Phil.* CVII, p. 145, and his *De Dion. Hal. libris manuscriptis*, Index Schol. Bonn, 1878; also for §§ 1–4 the scholia (Pl.) of Maximus Planudes to Hermogenes (in Walz, *Rhet. Graec.*, p. 546 f.), which are found, too, in cod. S (Par. 1983) of Bekker. For the inferior MSS. I have relied mainly upon the apparatus of Desrousseaux. They are T (of Bekker, called D by Desrousseaux) = cod. Par. 2944, and C = cod. Par. 2131, both belonging to the family of F; also P = cod. Pal. 58, B = cod. Par. 1742, and A = cod. Par. 1657 (copied from P and hence rarely cited), all three belonging to the family of M. In the following notes I have not used the abbreviations M., T., B., F., and S., to denote the scholars mentioned on p. 178, but have printed their names in full to avoid

confusion with the signs used here for the MSS. The critical notes in the editions of Fuhr, Weidner and Frohberger (revised by Thalheim) have been of great use. Unless the contrary is noted, my text of the oration itself agrees with the text of Fuhr. I have, however, quoted more at length from the remarks of Dionysius himself than is usual in editing this oration.

ON THE TEXT OF DIONYSIUS. ἔγγένηται: Sadée. γένηται, codd., vulg. — ποιήσομαι: TC. ποιῶμαι, cett. codd. — τε ἔνα: Sadée. τίνα, codd., vulg. — ἐπιδεξόμεναι: A, Sadée. ἐπιδεξόμεν, cett. codd., vulg. — ολόμενος: MPBF, Sadée. οἰδμενοι, TC, vulg. — Γλαυκίππου: γλαυσίππον, TC. — παιδίων: παῖδων, MPB. — μητρός: μητερός, TC. — ἐν: om. F. — αὐτοῖς: αὐτὸς, TC. — κατ' αὐτοῦ: Stephanus. καὶ αὐτοῦ, codd. — προῦβαλον: PB, Desrousseaux. Cf. Polyb. iii. 113. 6. προῦλαβον, cett. codd., vulg. — τῇ: Desrousseaux after Rademacher. Om. codd., vulg.

1. τὰ διαφέροντα, ὁ: codd., W. δικασταὶ, τὰ διαφέροντα, S. Pl., vulg., Fr., Thalheim. — εἰδώς τε: Pl., S. εἰδὼς, codd., which may possibly stand, cf. XIII. II. — πεπονθότες: F, Pl. παθότες, M.

2. τὴν τούτων: Desrousseaux, cf. § 5 and hypothesis. τούτων, codd., edd. — τοῖς φίλοις: Sylburg, R., Thalheim, W. αὐτοὺς τοῖς φίλοις, Pl., S., Fr., Fuhr. τοὺς φίλους, MF. — διαιταν: S. τὴν διαιταν, Pl. διαιτᾶν, MF. Aldus and Desrousseaux give with MF τοὺς φίλους ἐπιτρέψαι διαιτᾶν, the latter comparing the inf. with ἐπιτρέψω in Lys. XIII. 15, Xen. *Anab.* vii. 7. 8 (add And. i. 21, [Dem.] xl. 16, Isaeus, ii. 29, Plat. *Apol.* 35 D); but the construction of τοὺς φίλους would be obscure to the ear after ἐπεισα, and this same error of διαιτᾶν for διαιταν occurs in cod. F 1 in Dionys. *De Isaeo iudic.*, p. 602, 13 R., and in a fragment of Lys., 16.2 Seh. — τούτων: F, Pl., vulg. τούτου, M, Desrousseaux. — ἐπειδή: Pl., Fuhr, W. ἐπει, codd., vulg. But on ἐπει in this sense, see Fuhr's critical note, and cf. App. to §§ 8 and 25, and to XII. II, XXIII. 14. — Διογετῶν: codd. ὁ Διογετῶν, Pl., vulg. — ἔξηλέγχετο: Pl., vulg. ἔξηλέγκτο, codd., Aldus, R. ἔξεληλέγκτο, conjecture of Fuhr. — ἴβουλήθη: MS, vulg., cf. Meisterhans, p. 134. ἴβουλήθη, F, Pl., R., Aldus, Fuhr (9th ed.; but see his critical note to XIII. 6, 10th ed.). — ὑπομένειν: Fuhr, after καθυπομένειν, S, and as the probable reading of the first hand of F; see G. 1272 and App. to XVI. 6. ὑπομεῖναι, M., vulg., ει and αι of this word in rasura, F. καὶ ὑπομεῖναι . . . μᾶλλον, add. in marg., F.

ON DIONYSIUS. ἀρέτας: om. TC. — ḡ: om. MPBF. — δ: om TC. — φανήσονται: φανήσωνται, F. — κελεύονται: κελεύονται, M. — τάδικήματα: Markland. ἀδικήματα, codd. — τοῦδε: om. MPB. — λέγεσθαι: γενέσθαι, F. — εὐθὺς: Sylburg. καὶ εὐθὺς, codd. — δὴ: δὲ, TC, vulg. — προσεκτικὸν: προτρεπτικὸν, TC. — πρόσεστι: van der Vliet, Desrousseaux. προσέτι, codd., vulg. — ὑπὲρ ἐκείνων: MPB, Desrousseaux after Sadée. ὑπεκείνων, cett. codd., vulg.

4. Διογέτων λαβεῖν: FM. λαβεῖν Διογέτων, Pl., S, Bekker, Fr., W. — νέτ: Morgan. *vñt*, codd., vulg., a form impossible for Lysias; see App. to XII. 34. The dual *vñtē* occurs in cod. X of xix. 46 (omitted by Keck, *Ueber den Dual*) where we should read *νεῖ*. It is true that with δύο we generally find a plural (Keck, p. 42 ff.), but the dual occurs in *frag.* 4 Sch., and the change to *νεῖ* is easier than to *νεῖς*. *vñt*, Fuhr. *vñtē*, W. *vñt*, Thalheim.

5. τῶν ὄπλιτῶν: FM. See Meier and Schöm., *Att. Process*, p. 120. τὸν ἐπὶ τῶν ὄπλιτῶν, T, R., Bekker, Sch., but Desrousseaux cites Hauvette-Besnoult, *Les Stratèges Athéniens*, p. 150. — τὸν: FM.; om. T, cf. on § 2. — ἀδελφόν: the codd. add ὁμοπάτρων (so vulg.), which was struck out by Herw. (so Fuhr, W., Fr., Thalheim) on the ground that Lysias would have added καὶ ὁμοητριον, hence that it was a mere late interpolation from § 4. — ἀναγκαιότητας: MF. ἀνάγκας, T, Bekker, Sch., Fr. οἰκειότητας, W. — δικαίῳ περὶ τοὺς αὐτοῦ: Sauppe (cf. § 23) and recent editors. καὶ ὥσπερ τοῦ αὐτοῦ, FMPB. ἔτέρῳ εἰς τοὺς (τὰς T) αὐτοῦ παλῆς ἐπιτρόπῳ, TC., Bekker. The word ἐπιτρόπῳ, printed by Sauppe and Sch., is not necessary; cf. § 23 (Herw., Fr.).

6. ναυτικὰ: T, Markland, edd. αὐτίκα, cett. codd., Aldus. — μνᾶς, . . . δισχιλίας: something seems lost here, as noted by Sauppe, who would supply ἐγγείους δὲ δισχιλίας δραχμὰς δεδανεισμένας. Cf. § 15. Fuhr's suggestion, ἐκατὸν δ' ἐγγείῳ ἐπὶ τόκῳ δεδανεισμένας, cf. § 15, is better. — Χερρονήσῳ: Χερονήσῳ, F. — δοῦναι: this word may be interpolated, cf. Markland's and Frohberger's note. Fuhr cites in support Isaetus, II. 9, but see Thalheim's note. — κατέλιπε δὲ: R. κατέλιπε, F. κατέλιπεν, M.

7. ἔκρυπτε: ἔκρυπτεν, M. — ἀνδρός: after this word a lacuna is noted by Fuhr, since μὲν has nothing to answer it. Thalheim suggests the loss of τὰ δ' ἀντίγραφα. — τῶν: in F inserted by F1.

8. ἐπειδὴ: Fuhr; see App. to § 2. ἐπει, codd. — χρόνῳ: FM. τῷ χρόνῳ, TC., Bekker, Sch. — ἐν: superscribed in F1. — κατελέλειπτο: καταλέλειπτο, MF. — ἐπιλειπόντων: R. ὑπολειπόντων, codd. — αὐτῆς: codd. αὐτῇ, Sylburg, Sch., W., but, as Thalheim notes, Diodotus had not given the money to the woman; cf. § 6.

9. εἶπε: F. εἶπεν, M. — καταλίποι: Stephanus. καταλείποι, codd. — διέφερεν: Rn. after διέφερε, Aldus, vulg. διέφεροι, codd.

10. κλάοντες: Cob., Herw., see Bl.-Kühn. Gr. I, p. 133. κλαοντες, codd. — περιδεῖν: ὑπεριδεῖν, F1 pr., corr. — ἀποστερηθέντας: ἀποστερηθεντας, F. — ἔνεκα: Dobson. οὔνεκα, codd., but see App. to XXII. 3, and Bl.-Kühn. Gr. II, p. 251.

11. ἡντεβόλει: Cob., Fr., W. See App. to XII. 73. ἡντιβόλει, codd. — ικέτευε: T, edd. ικέτευσε, FM. — εἰ καὶ μὴ πρότερον: F, W., Thalheim. εἰ καὶ πρότερον μὴ, TC., vulg. εἰ μὴ καὶ πρότερον, MAB.

12. Ἡγήμονα: TC, edd. ἡγεμόνα, cett. codd. — εἰς: εἰ, M. — ιέναι: TC, edd. εἶναι, cett. codd. — πραγμάτων: codd., vulg. χρημάτων, Halbertsma, Fuhr, Thalheim, W.; attractive but unnecessary. — ὑπὸ: TC, edd. ἀπὸ, cett. codd.

13. *τοὺς θεοὺς*: codd. *τοὺς γε θεοὺς*, Herw., W., Fuhr. — *ἔξεπλει*: Taylor. *ἔξελιπε*, codd. — *παρ' αὐτοῦ παρακαταθήκην*: *παρ'* αὐτοῦ καταθήκην, TC. — *Θέλω*: Rn. *θέλω*, codd. — *τοὺς ὕστερον*: *καὶ ὕστερον*, TC. — *οὗτος λέγει*: MFAPB, Fuhr., W., Thalheim. *αὐτὸς λέγεις*, TC, vulg. — *ἔκλιπεν*: Sch. *καταλιπεῖν*, codd.

14. *αὐτὸν*: TC, edd. *αὐτὴν*, F 2, M. *αὐτῆν*, F 1. — *κεκομισμένον*: F 2. *κεκομημένον*, F 1, T. *κεκομισμένον*, M. — *ναυτικὰ*: Markland. *αντίκα*, codd., Aldus. — *διουκίσει*: Mattheai. *διουκήσει*, codd. — *διωκίζετο*: διωκίζετο, M. For this and *διουκίσει*, Cobet, *Var. Lect.* p. 68, would read *ἔξφικίσει* and *ἔξουκίσει*. — *Κολλυτοῦ*: Turr., cf. Meisterhans, p. 73. *Κολυττοῦ*, codd. — *τῷ*: TC, acc. to Desrousseaux, but T has *τῷ* acc. to Bekker; the other codd. omit the word and so Aldus and R. Modern editors vary between *τῷ* (Sch., Fuhr., Fr., W.) and *τῷ* (Bekker, Turr.). Either might stand, as Fr. remarks, the former from the point of view of the mother, the latter from that of the boys. — *αὐτὴν*: R. *ταύτην*, codd.

15. *κεκομισμένον*: *κεκομημένον*, F 1. — *ἔγγειώ*: Naber. *ἔγγειος*, MPBF. *ἔγγειον*, TC.

16. *ἔκβαλειν*: TC, Bekker, Sch. *ἔκβάλλειν*, FPB, Fuhr., Fr., W., Thalheim, *λλ* in *rasura* M. But on the distinction in the tenses of the inf. in Lysias see App. to § 2 and xvi. 6. — *ἡξιωκας*: codd., vulg., Turr. *ἡξιωσας*, Pluygers, Fuhr., Fr., W. — *αὐτῶν*: PB. *αὐτῶν*, cett. codd. — *οὐ μετὰ ἀκολούθου*: om. TC., add. in marg. M 1. — *τῶν*: om. FTC. — *δ*: om. MPBF. — *κατέλιπεν*: *κατέλιπε*, F.

17. *ἀτίμους*: *ἀτίμως*, TC. — *προθυμεῖ*: Herw., Cob., and so *φοβεῖ*, *αἰσχύνει*, *ποιεῖ* below. *προθυμῆ*, codd., vulg. — *φοβεῖ*: *φοβῆ*, codd. — *τὴν συνειδῶναν*: MPBF. *τὴν σὴν θυγατέρα τὴν συνειδῶναν*, TC. — *αἰσχύνει*: *αἰσχύνη*, codd. — *ποιεῖ*: *ποιεῖς*, MPBF. *ποιῆ*, TC.

18. *πάντες*: om. TC. — *πιστεῦσαι*: *πιστεῦσατ τινα*, TC. — *μὴ ἥττον*: MPBF, Fuhr., Thalheim, cf. *οὐχ ἥττον*, § 21, though *μηδὲν ἥττον*, TC, vulg., Fr., W., is commoner.

19. *ἄξω*: Rn. added *ὑμᾶς* after *τοῖνυν* (cf. I. 36, IV. 12), unnecessarily; cf. XIV. 20, 22, XVII. 10, cited by Fuhr, who conjectures *ἄξιον* without *ὑμᾶς*. But the occurrence of this in a different gender just below would then be awkward. — *ἐλεήσητε*: M. — *τοσαύτην γάρ*: *τοσαύτην δ'*, TC. — *πρὸς ἀλλήλους*: MPBF, Fuhr., W., Fr. *eis ἀλλήλους*, F, vulg., which may be defended (cf. And. I. 68, Thuc. IV. 27. 3, and see Lutz, *Prīp.* pp. 11, 17), though *πρός* is commoner (cf. XXV. 30), and *eis* may here be a mere repetition from the foregoing. The words are omitted in TC. — *μήτε ... μήτε*: Bekker and modern edd. *μηδὲ ... μηδὲ*, codd.

20. *τὰ μὲν*: this is in F 1 corr. from *τῶν μὲν* which might stand. — *ἔχειν*: R. *ἔλειν*, codd. *ἔλθειν*, Aldus. — *λῆμμα*: Aldus. *λῆμα*, codd. — *τετρακισχιλίας*: Herw., Van der Es; cf. §§ 14, 28. *έπτακισχιλίας*, codd., Sch. — *ὅποι*: Dobree. *ὅπου*, codd. — *τρέψει*: Dobree, Contius. *στρέψει*, codd., except *στρέψειν*, F, whence Fuhr *τρέψειν*. — *καὶ εἰς ἴματια*: inserted by Fr., so Fuhr., W. *εἰς γναφεῖον* (*γναφίον* M) *ἴματια*, codd., Ald. *ἴματια* is omitted by R., Bekker, Sch.,

though Scaliger conjectured *eis γναφέλαν καὶ eis ιμάτια*, and Markland *γναφέλον ιμάτια τε*. Desrousseaux reads *ὑπόδηματα δὲ καὶ ιμάτια*. — **κουρέως**: FMPB, Fuhr, W., Thalheim. *κουρέον*, TC, whence *κουρέον*, vulg. — **κατὰ μῆνα**: in TC these words follow *αὐτῷ*, so the older edd. and Fr. — **πλεῖν**: Rn. and later edd.; the Attic form, see App. to vii. 6. *πλεῖον*, codd., vulg.

21. **αὐτῷ τίθησι, τὸ δὲ τούτοις λελόγισται**: R. *αὐτῶν τίθησι τούτοις λελόγισθαι* (*λελογίσθαι*, M), codd. — **ἐφ' ὧ**: Sylburg. *ἐφ' ᾧν*, codd. — **ῳ ἄνδρες**: codd.; cf. Rockel, *de allocutionis usu*, pp. 18, 21. Fuhr added *δικασταῖ* after a marginal note in M.

22. **πλεῖν**: Rn. and later edd., cf. § 20. *πλέον*, codd., vulg. — **πρὸς τὸ κεφάλαιον**: Lutz (*Prüp.* p. 174) follows here the old explanation of *summatim recensere*, but then the preposition should be *ἐν* or *ἐπὶ* (pp. 38, 104). The usage seems to resemble rather that of relation (cf. Plat. *Theaet.* 186 A), not that of manner; cf. Isaeus, vi. 45 (quoted by Fr.), Lutz, p. 173. — **παιδιῶν**: MPBF. *παῖδων*, TC. — **καταλευφθεῖς**: *καταληφθεῖς*, FC. — **τῶν χρημάτων**: MPBF. *χρημάτων*, TC. — **τῷ δ' ἐπιτρόπῳ**: Fr. and later editors. *τῷ δ' ἐπὶ* (*ἐπι*, F), FM. *τὸν δ' ἐπὶ*, T. *τὸν δ' ἐπει*, C 1. *τῷ δ' ἐπει*, C 2. After *πατρών* TC have *εἰσιν*, and the vulg. before Fr. was *τῷ δ' ἐπει* *τῶν πατρών εἰσιν ἀπέστερημένοι*.

23. **ἔβούλετο**: edd. *ήβούλετο*, codd., Fuhr; but see App. to § 2. — **ἀπηλλαγμένον**: Dobree, Fuhr, W., Thalheim. *ἀπηλλαγμένοις*, FMPB. *ἀπηλλαγμένος*, TC, Fr., Sch. — **πριάμενον**: FMPB, Fuhr, W., Thalheim. *πριάμενος*, TC, Fr., Sch. — **ὅπτερα**: FMPB, Fuhr; cf. Isaeus, I. 22. *ὅπτερον*, TC, edd. — **κατάστησων**: TC, edd. *καταστήσονται*, FMPB.

24. **ῳ δικασταῖ**: codd., vulg. *ῳ ἄνδρες δικασταῖ*, Herw., Fuhr, Fr., W. So in §§ 26, 28, xix. 34. But see Rockel, *ibid.* p. 21. — **Ἀλέξιδι**: *ἀλέξιδη*, F. — **δεούσας**: Aldus. *δεούσαν*, codd. — **συμβαλέσθαι**: Aldus. *συμβάλλεσθαι*, codd. — **τούτοις**: Dobree, Fr., Fuhr. *τούτων*, MPB. *τούτων τοῖς*, FTC, Aldus, Bekker, Turr. *τούτων τούτοις*, R., W. *αὐτοῖς*, Sch., Rn. — **θυγατριδῶν**: FMPB. *θυγατριδῶν αὐτοῦ*, TC, Bekker. *αὐτοῦ θυγατριδῶν*, cod. Guelf., Fr., Sch. — **λητουργιῶν**: Fuhr, Thalheim. *λειτουργιῶν*, codd., edd.; but see Meisterhans, p. 29, and App. to vii. 31.

25. **τὸν Ἀδρίαν**: TC. *τὴν ἀνδρίαν*, MPBF 1. *τὴν ἀ·δρίαν*, F corr. — **ἀπέστελλεν**: *ἐπέστελλεν*, F. — **ἐπειδὴ δὲ**: Rn., W., Fr. *ἐπει δὲ*, codd., vulg. — **αὐτοῦ**: F 2. *αὐτοῦ*, cett. codd. — **φάσκει**: Rademacher, Desrousseaux. *φάσκων*, MPBF, whence Fuhr conjectured with likelihood that something like *αὐτὸς τὴν ὠφέλειαν ἔλαβε* had fallen out before *αὐτοῦ*. *ἔφασκεν*, TC, edd. — **ὅποι μὲν**: MPBF, Sch., Turr., and later edd. *ὅπη μὲν*, C, Aldus. *ὅπη μὴ*, T. *ὅπη δὲ μὴ*, R. *ὅπη μὲν*, Bekker.

26. **ῳ δικασταῖ**: see on § 24. — **ἔργον εἴη**: MPB, Fuhr, W. *εἴη ἔργον*, FTC, vulg. — **δὲ**: om. M. — **τὸν Ἀλέξιδος**: MPBF, Sch., and recent editors. *τοῦ Αλέξιδος*, TC. — **ἐτύγχανε**: *ἐτύγχανεν*, M. — **ὁ τῆς**: Herw., Fr., Fuhr, W. *τῆς*, codd., vulg. — **ηὑρομεν**: Desrousseaux; cf. Meisterhans, p. 136; Bl.-Kühn. Gr. II, p. 11. — **τέτταρας**: MPBF. *τετταράκοντα*, TC.

27. ἐπέδειξε: codd., vulg. ἀπέδειξε, Pluygers, Fr., and later edd., but see App. to xvi. 3. — δεούσας: δέουσαν, TC, cf. § 24. — ἀνηλωκέναι: codd., edd. Fuhr conjectures ἀνηλωμένας on account of the rarity of the infin. in this construction, but though rare it occurs with verbs of this general meaning of *showing*; see Kühn. § 484, 15; GMT. 915, 5. — ωστε: F. ὡς γε, cett. codd. — σύστοπε: δόσον ὅπερ, TC. — οἰεσθε: οἰεσθαι, FTC. — οὐδέτις αὐτῷ: MPB, Rn., Thalheim. αὐτῷ οὐδέτις, FTC, vulg. — διεχείριζεν: codd., edd., except Fuhr, who has διεχείρισεν. — μνᾶς: μνᾶς, TC. — ΜΑΡΤΤΡΕΣ: om. in codd., except in margin of T.

28. Ὡ δικασταί: see on § 24. — ἔχειν αὐτὸς: MPBF, recent edd. αὐτὸς ἔχειν, TC, vulg. — αὐτῷ: MPBF, Fuhr, W. αὐτῶν, TC, vulg. — ἑκάστου: ἑκάστω, M. cett. edd.

29. ἔτεσιν αὐταῖ: MPB, Aldus, Stephanus, R., Desrousseaux. αὐταὶ ἔτεσι, TC, cett. edd. αὐταὶ ἔτεσιν, F. — γίγνονται: MPB. γίγνονται, cett. codd. — καὶ ἀποδείκνυνται: TC, omitted in other codd. For convenience I follow the vulgate in the insertion of these words, though agreeing with Fuhr that the lacuna more probably contained something like the thought in Dem. xxvii. 37. — περιόντα: the words τῶν ἔπτὰ ταλάντων follow περιόντα in all codd. and all edd. except Westermann's and Thalheim's, who strike them out after Markland. If they are kept we should insert τῶν τετταράκοντα μνῶν after Markland; so Sch., Fuhr. — ληστῶν: τῶν ληστῶν, TC.

### III.—ATTIC MONEY.

TABLE.

1 obol	= about	\$0.03
6 obols	= 1 drachma	= " \$0.18
100 drachmae	= 1 mina	= " \$18.00
60 minae	= 1 talent	= " \$1080.00

Attic coins were made of silver.<sup>1</sup> In calculating their values, one may conveniently begin with the drachma. This contained 4.366 grams or 67.376 grains of pure silver. In one United States silver dollar there are 371.25 grains of pure silver, so that the grain has the legal value of .269 + cents. The drachma, therefore, estimated in U.S. silver money at its legal value (in the ratio to gold of 1 : 16), would be worth a fraction over 18 cents. On this basis the above table is calculated. In English money the drachma may be estimated at about 9 pence; in French, at about a franc.

<sup>1</sup> The chaleus, a copper coin of the value of  $\frac{1}{8}$  of an obol, was introduced just before the Peloponnesian War and

got into common use. There were probably even smaller denominations in copper after that time.

The talent and the mina were not coins but weights. When used of money, the term talent signifies, for the time of Lysias, the equivalent of 57.75 lbs. of silver (avoirdupois weight), and it was worth 6000 drachmae. The actual Attic coins in use were the drachma and its multiples (the commonest being the four-drachma piece), and the obol with its multiples (such as the three-obol piece) and fractions (the  $\frac{1}{2}$  and  $\frac{1}{4}$  obol).

Two other coins are mentioned in the selections from Lysias contained in this volume,—the daric and the Cyzicene stater.<sup>2</sup> The daric was a Persian gold coin of great purity. It contained about 125.5 grains of gold, and was therefore equivalent to about \$5.40 in American gold (one dollar containing 23.22 grains). It passed current among Athenians as the equivalent of 20 Attic drachmae. The Cyzicene stater was a coin of the town of Cyzicus. It was made of electrum, a mixture of gold and silver, and it passed current as the equivalent of 28 Attic drachmae.

Reckoned by the above figures, the sum of which Lysias was robbed by the Thirty,<sup>3</sup>—3 silver talents, 400 Cyzicene staters, and 100 darics,—amounted to the equivalent of \$5616 (taking the Cyzicene stater at 28 drachmae and the daric at 20 drachmae). This seems small, as the bulk of a man's fortune, but the value of money may best be appreciated by a consideration of what may be bought with it. From the Thirty-second oration<sup>4</sup> it appears that a liberal allowance for the support of two boys, their sister, a *παιδαγωγός*, and a maid-servant was 1000 drachmae (\$180) a year, or a little less than 3 drachmae (54 cents) a day. This means that these five persons could have been supported on the annual income of the equivalent of \$3000 at 6 per cent. That this sum was generous for the purpose is clear enough from what the orator says in that passage, and his estimate is supported by other passages in the authors. Thus, even later, when prices were higher, Demosthenes (during his minority), together with his mother and sister and their necessary slaves, had an annual allowance of 7 minae<sup>5</sup> (\$126), together with the house in which they lived. Boeckh calculated<sup>6</sup> that in the time of Socrates a family of four grown persons could have lived comfortably on about five-sevenths of this sum.

<sup>2</sup> Cf. XII. II, XXXII. 6.

<sup>6</sup> See *Staatsh.* p. 142 ff. For prices

<sup>3</sup> Cf. XII. II.

of houses, slaves, food-stuffs, clothing,

<sup>4</sup> § 28.

etc., see the same work, p. 82 ff.

<sup>5</sup> Cf. Dem. XXVII. 36.

## IV.—CHRONOLOGY.

- b.c. 459. Birth of Lysias.<sup>1</sup>  
 456. Death of Aeschylus.  
 455. Euripides appears as a tragic poet.  
 449. Death of Cimon. Predominance of Pericles begins.  
 445. Thirty years' truce.  
 444. Foundation of Thurii. Herodotus and Lysias (later?) among the colonists.<sup>2</sup>  
 436. Birth of Isocrates.  
 434. The Parthenon finished.  
 431. The Peloponnesian War begins.  
 429. Death of Pericles.  
 428. Siege of Plataea.<sup>3</sup>  
 427. Fall of Plataea.  
 Gorgias in Athens.<sup>4</sup>  
 Birth of Plato.  
 421. Peace of Nicias.  
 418. Tisias in Athens.<sup>5</sup>  
 415. Sicilian expedition sails.  
 413. Athenian defeat in Sicily.  
 412. Revolution in Thurii. Lysias banished.<sup>6</sup>  
 411. Lysias in Athens again.  
 Establishment and overthrow of the Four Hundred.  
 Death of Antiphon.<sup>7</sup>  
 409. Thrasyllus defeated at Ephesus.<sup>8</sup>  
 406. Arginusae. Condemnation of the generals.  
 Dionysius becomes master of Syracuse.<sup>9</sup>  
 Deaths of Euripides and Sophocles.  
 405. About August: Aegos Potami.  
 Late autumn or in winter: Siege of Athens begins.  
 404. Embassies to the Spartans.<sup>10</sup>

<sup>1</sup> The traditional date; but see Introd. § 15.

<sup>2</sup> See Introd. § 16.

<sup>3</sup> See p. 105, note 10.

<sup>4</sup> See Introd. § 12.

<sup>5</sup> See Introd. note 42.

<sup>6</sup> See Introd. § 17.

<sup>7</sup> See Introd. § 14, and on xii. 65; cf. 67.      <sup>8</sup> See p. 156, note 43.

<sup>9</sup> See Introd. § 23.

<sup>10</sup> See on xii. 69 ff. In arranging the order of the events of this and the next year I have chiefly followed Boerner; see above, p. 25, note 5. According to the common view the Thirty were in power for eight instead of three months, and the death of Theramenes and the occupation of Phyle by Thrasybulus happened early in the year 403.

B.C. 404. April: ἡ περὶ ειρήνης ἐκκλησία.<sup>11</sup>

↳ Surrender of Athens. Return of the exiles.<sup>12</sup>

Lysander returns to Samos, reduces it, and comes back to Athens.<sup>13</sup>

About September: ἡ περὶ πολιτείας ἐκκλησία.<sup>14</sup> The Thirty established.

↳ Lysias in exile.

Death of Theramenes.

Winter: Thrasybulus occupies Phyle.

Disarming of οἱ ἔξω τοῦ καταλόγου.<sup>15</sup>

Slaughter at Eleusis.<sup>16</sup>

Thrasybulus occupies Munychia. Death of Critias.

The Thirty expelled. The First Ten.<sup>17</sup>

403. First Ten's government.<sup>18</sup>

Spring: Second Ten.<sup>19</sup>

Pausanias in Athens.

The reconciliation.

Early Autumn: Return of the Patriots.<sup>20</sup>

Citizenship given to Lysias and others and withdrawn.

Lysias *Against Eratosthenes*.<sup>21</sup>

Lysias Or. xxxiv.<sup>22</sup>

401. Expedition of Cyrus (the *Anabasis*).

→ Overthrow of the Thirty in Eleusis.<sup>23</sup>

Lysias Or. xxxii? <sup>24</sup>

399. Return of the Ten Thousand Greeks.

Death of Socrates.

398. Lysias Or. xxxi? <sup>25</sup>

395. Corinthian War. Haliartus.<sup>26</sup> Death of Lysander.

Lysias Or. vii? <sup>27</sup>

394. Battle of Nemea.<sup>28</sup>

Agesilaus (accompanied by Xenophon) returns to Greece.<sup>29</sup>

Xenophon exiled.

390. Death of Thrasybulus.

389. Birth of Aeschines.

387. Peace of Antalcidas.<sup>30</sup>

<sup>11</sup> See on XII. 70.

<sup>12</sup> See *ibid.*

<sup>21</sup> See p. 26 f. <sup>22</sup> See Introd. § 39.

<sup>13</sup> See on XII. 71.

<sup>23</sup> See p. 27, note 19.

<sup>14</sup> See on XII. 70.

<sup>24</sup> See p. 156.

<sup>15</sup> See on XII. 40.

<sup>25</sup> See p. 135.

<sup>16</sup> See on XII. 52.

<sup>26</sup> See on XVI. 13.

<sup>17</sup> See p. 26.

<sup>27</sup> See p. 6.

<sup>18</sup> See p. 26.

<sup>28</sup> See on XVI. 15.

<sup>19</sup> See App. to XII. 60.

<sup>29</sup> See on XVI. 16.

<sup>20</sup> See p. 27.

<sup>30</sup> See p. 93.

- B.C. 384. Birth of Aristotle.  
383. Birth of Demosthenes.  
-- 380. Last known work of Lysias.<sup>31</sup>  
378. Traditional date of the death of Lysias.<sup>32</sup>

<sup>31</sup> See Introd. § 24.

<sup>32</sup> See *ibid.*

## LIST OF ABBREVIATIONS OF BOOKS OF REFERENCE.

- Blass, *Att. Bereds.* = *Die Attische Beredsamkeit* von F. Blass. Zweite Auflage. 1887.
- Bl.-Kühn. *Gr.* = Blass's revision of Kühner's grammar (see Kühn. below). Vol. I, 1890; Vol. II, 1892.
- Boeckh, *Staatsh.* = *Die Staatshaushaltung der Athener* von A. Boeckh. Dritte Auflage, von M. Fränkel. 1886.
- CIA.* = *Corpus Inscriptionum Atticarum.*
- G. = Goodwin's *Greek Grammar*. Revised edition. 1893.
- GMT. = Goodwin's *Syntax of the Greek Moods and Tenses*. Rewritten and enlarged. 1890.
- Gilbert, *Antiq.* = *The Constitutional Antiquities of Sparta and Athens* by G. Gilbert. English translation of the second German edition of Vol. I of the following-named work. 1895.
- Gilbert, *Staatsalt.* = *Handbuch der Griechischen Staatsalterthümer* von G. Gilbert. Vol. II. 1885.
- Gow = *A Companion to School Classics* by J. Gow. 1889.
- H. = Hadley's *Greek Grammar*. Revised by Allen. 1885.
- Hermann, *Privatalt.* = *Lehrbuch der Griechischen Pricalterthümer* von K. F. Hermann. Dritte Auflage von H. Blümner. 1882.
- Hermann, *Rechtsalt.* = *Lehrbuch der Griechischen Rechtsalterthümer* von K. F. Hermann. Dritte Auflage von Th. Thalheim. 1884.
- Hermann, *Staatsalt.* = *Lehrbuch der Griechischen Staatsaltertümern* von K. F. Hermann. Sechste Auflage von V. Thumser. Zweite Abteilung. 1892.
- Jebb, *Att. Or.* = *The Attic Orators from Antiphon to Isaeos* by R. C. Jebb. 1876.
- Kr. *Spr.* = *Griechische Sprachlehre für Schüler* von K. W. Krüger, Erster Theil. Fünfte Auflage. 1875.
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- Lutz, *Präp.* = *Die Präpositionem bei den Attischen Rednern* von L. Lutz. 1887.

M. and S. = *Der Attische Process* von Meier and Schömann. Neu bearbeitet von J. H. Lipsius. 1883–1887.

Meisterhans = *Grammatik der Attischen Inschriften* von K. Meisterhans. Zweite Auflage. 1888.

Schoemann. *Gr. Alt.* = *Griechische Alterthümer* von G. F. Schoemann. Dritte Auflage. 1871–1873.

Smith, *Dict. Antiq.* = *Dictionary of Greek and Roman Antiquities* by W. Smith, W. Wayte, and G. E. Marindin. Third Edition. 1890–1891.

## GREEK INDEX.

[Roman numerals followed by old style Arabic (as XXII. 2) refer to orations and sections, generally to the notes thereon or to the Appendix (App.). The sign § followed by a numeral (as § 12) refers to the sections of the Introduction. A few references are made by pages (as p. 106). Neither the Greek nor the English Index is intended to be exhaustive.]

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